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| **Subject:** Working Away from a Fixed Location | **Date:** XX/XX/XX | **No:** 145-203**Change:** X |

# PURPOSE

This advisory outlines the ability and conditions for entities certificated under Title 14 Code of Federal Regulations (CFR) part [145](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr145_main_02.tpl) to work away from their fixed locations. It also includes information on methodologies for controlling such work. The information is not all-inclusive.

# APPLICABILITY

## Repair stations domiciled in the United States.

## Foreign repair stations domiciled in a country that does not have a bilateral aviation safety agreement and implementation procedures with the United States

# RELATED REGULATIONS AND ADVISORY MATERIALS

## Part [43](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr43_main_02.tpl) Maintenance, Preventive Maintenance, Rebuilding, and Alteration

## Part [145](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr145_main_02.tpl) Repair Stations

## [AC 145-9](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/70A2370D88E1E36486256D5D00659FA3?OpenDocument&Highlight=145) Guide for Developing and Evaluating Repair Station and Quality Control Manuals

## [Order 8900.1](http://fsims.faa.gov/) Flight Standards Information Management System

# BACKGROUND

Conditions under which a repair station works away from its fixed location have changed dramatically over the years. At one time, the need to perform work under the auspices of a repair station certificate was limited to a permanent location or in the event of a special circumstance, such as an aircraft on the ground, away from that fixed location.

Today, work is performed at various locations, some are familiar sites or facilities known to the repair station and used sporadically to meet customer demands and business needs. Other locations are *ad hoc*, where work is done at a customer’s behest for varying periods of time. Some repair stations utilize mobile repair units that may travel across state lines or even internationally to address commercial obligations and provide customer maintenance services.

# DEFINITIONS AND ACRONYMS

## Code of Federal Regulations (CFR)

## Operations Specifications (OpsSpecs)

## Recurring—usual and repeated activity that occurs in the normal course of business

## Repair Station Quality Manual (RSQM)

## Temporary/temporarily—transient; an arrangement without permanency

# GENERAL

## [Section 145.203(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=3e9f206dab666babbe889e0700e4f48f&node=14:3.0.1.2.19.5.3.2&rgn=div8) contemplates a repair station working away from its fixed location under special circumstances as determined by the FAA.

## Section [145.203(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=3e9f206dab666babbe889e0700e4f48f&node=14:3.0.1.2.19.5.3.2&rgn=div8) allows a repair station to perform maintenance, preventive maintenance and alteration away from its fixed location on a recurring basis, provided the *work* is temporary, in accordance with procedures in its RSQM (see § [145.209(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=186e3365bad63c3c4c07eca7603bf4e1&node=14:3.0.1.2.19.5.3.6&rgn=div8)).

## The work assigned or dispatched should be the focus when determining whether a particular location is permanent or temporary.

## A repair station may have several locations where personnel are present, materials, documents and data are sent and received, communication is managed and administrative matters are addressed. These activities, in and of themselves, do not constitute work nor do they establish a fixed or permanent location.

## To accommodate the variety of situations where an entity may work away from a fixed location, the air agency certificate and OpsSpecs include—

### The business’ fixed location, which is where the—

#### Housing, facilities, equipment, personnel and data necessary to obtain and maintain the air agency certificate are located

#### Regular and necessary business of the company is performed, including continuous day-to-day maintenance, preventive maintenance and alteration under the air agency part [145](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr145_main_02.tpl) certificate

#### Domicile state’s incorporation registry indicates is the corporate address

#### Work away would normally be dispatched as specified in the RSQM (see § [145.209(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=186e3365bad63c3c4c07eca7603bf4e1&node=14:3.0.1.2.19.5.3.6&rgn=div8))

### Additional fixed locations, which are—

#### Permanent, in that housing, facilities, equipment, personnel and data are continually used, customer articles are regularly delivered and work will continuously be performed under the auspices of the part [145](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr145_main_02.tpl) air agency certificate

#### Listed on the repair stations OpsSpecs in paragraph [A101](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.3,Ch18,Sec10)

#### Included in the RSQM work away procedures required by § [145.209(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=186e3365bad63c3c4c07eca7603bf4e1&node=14:3.0.1.2.19.5.3.6&rgn=div8), if work away will be dispatched from the additional fixed location

### Paragraph [D100](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.3,Ch18,Sec10) when the repair station will be working away from the fixed location on a recurring basis

## If there are doubts about whether the company is properly incorporated or is permanently performing work at a particular site, query local legal counsel to ensure compliance with state and federal obligations

# WORKING AWAY DUE TO SPECIAL CIRCUMSTANCES

Section [145.203(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=3e9f206dab666babbe889e0700e4f48f&node=14:3.0.1.2.19.5.3.2&rgn=div8) states that a certificated repair station may transport material, equipment, and personnel needed to perform maintenance, preventive maintenance, alterations or certain specialized services on an article for which it is rated to a place other than the repair station’s fixed location if the work is necessary *due to a special circumstance, as determined by the FAA*.

The agency provides two options for requesting and obtaining the ability to work away from its fixed location due to special circumstances—

## On a case-by-case basis

### The FAA must approve the special circumstances and may issue further instructions or limitations *before* work may begin.

### The request, along with the FAA’s approval and changes or additions should be kept in each applicable work order file.

### The written request should include—

#### The work scope of the project in enough detail to establish it is within the repair station’s certificate, rating(s) and capabilities

#### The location of the project

#### The expected duration of the project—if for more than one year, an explanation of the need for the extended period

#### The method by which personnel will be chosen to work away, including the persons responsible for planning, performing, supervising, inspecting and approving the work for return to service

#### If not already included in the RSQM, the methods and procedures for—

##### Ensuring the location has the necessary housing and facilities for accomplishing the work scope within part [43](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr43_main_02.tpl) including—

##### If the work will be performed outside, the method for ensuring the ambient conditions is conducive for the extent and nature of the project

##### If temporary housing is needed, the method of obtaining the enclosure (i.e., buy, lease or borrow) at the appropriate time in the project

##### Transporting any equipment, tools, materials and data to the work site including the method of dispatching or obtaining—

##### Calibrated equipment needed to make final airworthiness determinations on the work performed.

##### Non-calibrated equipment, tools and tooling needed to accomplish the work scope.

##### Maintenance data (maintenance manuals, overhaul manuals, Instructions for Continued Airworthiness, service bulletins, supplemental type certificate data, and other information pertinent to the maintenance, preventive maintenance and alteration activities that is acceptable to or approved by the Administrator).

##### Replacement items (e.g., parts, subassemblies) and materials (e.g., raw metals, solvents) and services (e.g., heat treat, welding). (If the items are not dispatched from the fixed location, include the methodology for receiving, performing incoming inspection, handling and storage of items that will be used or installed.)

##### Ensuring that employment summaries (see § [145.161(a)(4)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.7&rgn=div8)) and rosters (see § [145.161(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.7&rgn=div8)) are current

##### Ensuring the appropriate duties, responsibilities and authority of management, supervisory, inspection and approval for return to service of persons that will be working away from the fixed location are known (see § [145.209(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.5.3.6&rgn=div8))

##### If hazardous material may or will be involved, ensuring proper compliance with § [145.165](http://www.ecfr.gov/cgi-bin/text-idx?SID=dc230ae07bf356177f2dd39fd2ec4bf0&node=14:3.0.1.2.19.4.3.9&rgn=div8) regarding an employer training program and air carrier notification.

##### If the repair station is required to have a drug and alcohol program under [part 120](http://www.ecfr.gov/cgi-bin/text-idx?SID=5589c6563202fbc17c0e44e34afb8f2d&mc=true&tpl=/ecfrbrowse/Title14/14cfr120_main_02.tpl), ensuring that all employees performing, ready to perform or immediately available to perform maintenance or preventive maintenance (safety-sensitive) functions for an air carrier or commercial operator certificated under [part 121](http://www.ecfr.gov/cgi-bin/text-idx?SID=eddea10a32663d0811a85a2a043b8de2&mc=true&node=pt14.3.121&rgn=div5#_top) or [part 135](http://www.ecfr.gov/cgi-bin/text-idx?SID=eddea10a32663d0811a85a2a043b8de2&mc=true&node=pt14.3.135&rgn=div5) are included in that program.

##### Storing equipment, tools, materials and data for the duration of the project.

##### Ensuring proper communication between personnel in the field and at the repair station including the ability to transmit voice and data on a consistent basis.

##### Performing preliminary, hidden-damage, in-process and final inspections of the articles being worked on, if different from the methodology used at the fixed location. If different forms are used to record activities, they would be included in the repair station’s forms manual (see § [145.211(c)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.5.3.7&rgn=div8)).

##### Tracking and recording maintenance performed for the owner of the article being maintained (e.g., logbook) and for the repair station. If different maintenance records will be used for the repair station, they would be included in the repair station’s forms manual (see § [145.211(c)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.5.3.7&rgn=div8)).

## General determination

### If the repair station knows that it will be called away from the fixed location to perform specific work on an infrequent but sporadic and recurring basis, it may make written request for a general determination of special circumstances and ensure the appropriate procedures are contained in its RSQM.

### The FAA approval letter will state that the RSQM procedure meets the requirements of § [145.203(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=3e9f206dab666babbe889e0700e4f48f&node=14:3.0.1.2.19.5.3.2&rgn=div8) and may provide parameters or limitations on the maintenance, preventive maintenance and alterations contemplated.

### The letter authorizing the use of the repair station procedures should be kept as long as the privilege is exercised.

### Once approved by the FAA, the repair station will follow its RSQM procedures and notify the FAA when work is performed away from the fixed location. The repair station does not need to request permission on a case-by-case basis provided it stays within the parameters sought and accepted.

### If the occurrences become routine, the repair station should notify the FAA and adapt the procedures to comply with working away on a recurring basis requirements (see next section).

### The RSQM should include—

#### A description of the types of (e.g., emergency requirements, aircraft on the ground for avionic or engine work, customer ferry flight preparation, etc.), limitations on and scope of work that would be considered special circumstances. The description should—

##### Contain enough detail to establish it is within the repair station’s certificate, rating(s) and capabilities.

##### Be specific enough to allow oversight with enough flexibility to accommodate known customer requests.

#### The maximum length of time that will be expended away from the fixed location to accommodate the special circumstances

##### If there are different expected time frames for each type of work being requested, provide an explanation of the expectations.

##### If the work exceeds the expected maximum, provide a method for notifying the FAA on a regular basis to keep it abreast of the activity until the project is complete.

#### The methods and procedures for—

##### Generating work orders for the scope, nature, location and extent of work anticipated.

##### Analyzing the qualifications of personnel and dispatching or obtaining the personnel required for the scope and type of work anticipated and performed, considering—

##### General knowledge (through training and experience) and capability requirements (see §§ [145.151](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.1&rgn=div8), [145.163](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.8&rgn=div8)),

##### The requirement for individual certification of supervisors and persons authorized to approve work for return to service (see §§ [145.153](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.2&rgn=div8), [145.157](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.4&rgn=div8)), and

##### The requirements for knowledgeable and capable inspectors (see § [145.155](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.4.3.3&rgn=div8)).

##### Other processes as described in paragraphs (VII)(a)(iii)(E), above.

# WORKING AWAY ON A RECURRING BASIS

## [Section 145.203(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=3e9f206dab666babbe889e0700e4f48f&node=14:3.0.1.2.19.5.3.2&rgn=div8) states that a repair station may perform *work* away from its fixed location on a recurring basis provided the RSQM contains the requisite procedures (see § [145.209(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&node=14:3.0.1.2.19.5.3.6&rgn=div8)).

## Situations and circumstances that justify work away on a recurring basis include when a repair station—

### Has multiple known locations where it will perform work temporarily; that is, when employees arrive and *perform work* on a sporadic, but recurring basis

### Has multiple known locations for handling administrative functions; and the actual work is performed at another location or many other locations

### Uses mobile units dispatched by or from a known location to multiple sites to perform work

### Performs intermittent but recurring work where aircraft owners and operators have suitable housing facilities, or access to suitable housing and/or facilities

### Receives authority or permission from an owner/lessee of appropriate housing and/or facilities that permit the certificated repair station to perform work at that site (e.g., another certificated repair station, FBO, or hangar facility) for a temporary period of time or on an as needed basis

### Performs warranty work on customer aircraft on a recurring basis, wherever the aircraft may be located

### Positions employees in strategic business locations to support expected demand from customers in the area, whether or not the work is performed at the strategic location; in any event it will be sporadic and recurring.

## The RSQM should include—

### Procedures for ensuring the maintenance, preventive maintenance, alterations, or specialized service is performed in compliance with part [43](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr43_main_02.tpl).

### Assurance that the work scope performed will be within the repair station’s certificate, rating(s) and capabilities. If the repair station maintains a capability list, it may need to distinguish between work that may be accomplished at particular sites or situations from work that may be accomplished at the fixed location. Self-assessment forms may need to be adjusted to ensure proper limitations are placed on particular work or particular locations.

### If the work will be performed using mobile units, the method for—

#### Determining the location of each project or mobile unit upon request

#### Specifying and updating a point of contact for each unit

### The methods and procedures outlined in paragraph (VII)(b)(vi)(C), above.

# TEMPORARY TO PERMANENT

## When a repair station is electing to perform work away from its fixed location on a sporadic, recurring basis as part of day-to-day business and pursuant to § [145.203(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=424a9f22144b3acac808ad48ca0be277&mc=true&node=se14.3.145_1203&rgn=div8), it is important to maintain the temporary aspect. A temporary location may be considered and/or become permanent, depending upon the individual facts and circumstances. The focus of the query is on the *actual location where work will be and is performed*.

### Is the repair station leasing space *to perform work*, and, if so, what is the type and duration of the work and/or the lease? Leasing space for administrative matters where no maintenance functions will occur is different than leasing housing or facilities for accomplishing maintenance, preventive maintenance or alterations. Similarly, leasing or obtaining permission to use housing or facilities on an “as needed, as available” basis also does not make the location permanent. When the leased premises are used to perform on a *continuous[[1]](#footnote-1)* basis, the site will become permanent.

### Is the location merely convenient to where work will be performed? Is the space being used to process paperwork, receive instructions and parts from a site and to accomplish other administrative functions? These activities do not create a fixed location unless maintenance functions are continuously being performed on the specific premises.

### The fact that local personnel are used does not make the location where work is actually going to be performed fixed. Similarly, if employees are using the authority of individual certificates alternatively with the authority of a repair station certificate

### Registering with the applicable state authority to obtain authorization to transact business in the state of the temporary location does not create a fixed location. It does not mean work will be performed at the location. States require businesses to register for a variety of reasons; some are merely monetary rather than an indication that the place where work is being performed is fixed.

### Whether the repair station is holding itself out as regularly doing business from or at the specific site, e.g., placing advertisements for customers to come to the temporary location to have maintenance services actually performed. Making services available to a territory or area is different from advertising an actual location where work will be performed.

### Whether the repair station pays taxes in the state does not indicate the location is where work is performed.

# WORKING INTERNATIONALLY

As a reminder, this advisory is applicable to U.S. and foreign-based repair stations that do not otherwise have a bilateral agreement with the United States. Repair stations located in countries that have a bilateral agreement should reference that agreement for applicable working away procedures.

## Work performed in countries without a U.S. bilateral agreement.

### Work on U.S.-registered articles. Aviation safety regulations are not the only legal obligations that must be investigated when working in a foreign country. In addition to domestic technical data exchange and security requirements that may apply, each country will have visitation and work parameters, financial remuneration and exchange, security and intellectual property requirements, among other laws to explore for compliance issues.

### Work on foreign-registered articles.

#### Maintenance of aircraft and components of foreign-registered aircraft is controlled by each country’s requirements unless a bilateral relationship with technical implementation procedures has been instituted. Therefore, foreign-based repair stations that have received a part [145](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3582c74acb3153b052063a5f57a19c8&tpl=/ecfrbrowse/Title14/14cfr145_main_02.tpl) air agency certificate from the FAA without the benefit of a bilateral may use this Advisory.

#### Under most bilateral and technical agreements, the acceptance or certificate from the “foreign” country depends upon the repair station (or approved maintenance organization) certificate holder complying with its domestic aviation safety authority’s requirements. The “foreign” country’s jurisdiction will depend upon whether the non-compliance is with the domestic requirements or the special conditions imposed by bilateral technical agreements.

## Work performed in countries with a U.S. bilateral agreement.

### Canada

#### For U.S.-based repair stations, the [bilateral aviation safety agreement and maintenance implementation procedures](http://www.faa.gov/aircraft/air_cert/international/bilateral_agreements/baa_basa_listing/) do not allow work on Canadian-registered articles *in Canada*. The agreement only covers work performed on the other’s civil aviation articles while in the repair station or approved maintenance organization’s country (see [Maintenance Implementation Procedures](http://www.faa.gov/aircraft/repair/media/mip_can.pdf), paragraph 2.0).

#### Similarly, for Canadian-based repair stations, the agreement does not allow work on U.S.-registered aircraft located in the United States (see [Maintenance Implementation Procedures](http://www.faa.gov/aircraft/repair/media/mip_can.pdf), paragraph 2.0).

### European Union

#### For U.S.-based repair stations, the [EU/U.S. bilateral and maintenance annex guidance](http://easa.europa.eu/document-library/bilateral-agreements/eu-usa) allows work on European-registered articles located outside the U.S.—

##### For one-time special circumstance when the repair station has a written procedure for work away from its fixed location and the repair station has D100 authorization in its OpsSpecs.

##### For a one-time special circumstance when it makes application to EASA in advance, or

##### On a recurring basis when the organization has work away procedures in its RSQM, has the appropriate paragraph D100 authorization in its OpsSpecs and informs the local FAA inspector.

#### For European-based repair stations, the [EU/U.S. bilateral and maintenance annex guidance](http://easa.europa.eu/document-library/bilateral-agreements/eu-usa) allows work on U.S.-registered articles located in the U.S. for one-time special circumstances or on a recurring basis when—

##### It makes application to FAA in advance, or

##### It has work away procedures in its RSQM and the appropriate paragraph D100 authorization in its FAA-issued OpsSpecs.

1. Uninterrupted in time; without cessation. [↑](#footnote-ref-1)