

## **FAA RELEASES FLIGHT TRAINING FINAL RULE**

August 28, 2009

### ***What's at Issue***

On August 21, 2009, the Federal Aviation Administration (FAA) released a final rule, Pilots, Flight Instructor, and Pilot School Certification, that amends 14 CFR Parts 61, 91 and 141.

### ***Why it's Important***

This final rule, effective October 20, 2009, affects all areas of flight training and pilot certification.

### ***Major Provisions***

#### **Part 61 Changes**

- **General**
  - The terms “currency” and “validity” are now defined in 61.2 in relation to exercising the privileges of an airman certificate, rating, endorsement or authorization.
- **Recreational Pilot Certificate**
  - An applicant for a Recreation Pilot Certificate must now hold either a student pilot certificate or sport pilot certificate.
- **Student Pilot Certificate**
  - The duration of a student pilot certificate has been extended to conform to the FAA's final rule, “Modification of certain medical standards and procedures and duration of certain medical certificates.”
  - The requirement that a flight instructor must endorse a student pilot's certificate to authorize a solo flight in class B airspace or at an airport in class B airspace has been deleted. A student pilot is only required to have his or her logbook endorsed when seeking authorization to perform solo flight in class B airspace.
- **Private Pilot Certificate**
  - An applicant for a Private Pilot Certificate must now hold either a student pilot certificate or sport pilot certificate.
- **Flight Instructors' Certificate**
  - The FAA did not implement the proposed rule to issue instructors' certificates without expiration dates. The FAA did, however, revise application and renewal procedures to obtain a similar result.
  - The “go around maneuver” has been deleted as a requirement for flight instructor certification with the glider rating.

**OVER...**

## **(Major Provisions Continued)**

- A flight instructor who provides instrument training required at the commercial pilot and airline transport pilot certification levels must hold an instrument rating on both his pilot and flight instructor certificates that are appropriate to the category and class of aircraft in which instrument training is being provided.
- **Ground Instructor's Certificate**
  - The recent experience requirement for the ground instructor's certificate has been standardized.
  - Only ground instructors with an instrument rating may provide ground instruction for the issuance of an instrument rating and instrument proficiency check and for a recommendation for the knowledge test required for an instrument rating. An Advanced Ground Instructor (AGI) may no longer perform this training.
  - Clarifies the recent experience requirement for ground instructors.
- **Medical Certificates**
  - Examiners are now only required to hold a third class medical certificate.
  - Persons exercising the privileges of a glider or balloon rating are not required to hold a medical certificate.
  - Clarifies that an Examiner or Check Airman need not hold a medical certificate when administering a test or check for an airman certificate, rating, or authorization in a glider, balloon, flight simulator, or flight training device. It also clarifies that an applicant need not hold a medical certificate when receiving a test or check for an airman certificate, rating, or authorization in a glider, balloon, flight simulator, or flight training device.
- **Airline Transport Pilot Certificate**
  - Airline Transport Pilot (ATP) certificate eligibility for persons holding foreign commercial or ATP pilot licenses has been modified to require that the foreign licenses contain no geographical limitations to be eligible.
  - Applicants for a type rating at the ATP certification level for a multi-engine airplane with single-pilot stations must perform the practical test in a multi-pilot seat version of the multi-engine airplane. If no multi-pilot seat version exists, the practical test may be performed in the single-pilot station aircraft as long as the examiner can be in a position to observe the applicant during the practical test.
  - The ATP aeronautical experience requirements have been modified to conform to ICAO ATP requirements
- **Instrument Rating**
  - The Instrument rating cross country time requirements as pilot-in-command (PIC) have been conformed to the corresponding ICAO requirements, including requiring at least 10 hours of cross country time as PIC to be in the category of aircraft appropriate to the instrument rating sought.
- **Privacy Related Changes**
  - The requirement for a person requesting replacement of a lost or destroyed airman certificate, medical certificate, or knowledge test to provide their social security number has been removed.
  - Proof of current residential address is required at the time of application for a knowledge test.

**MORE...**

## **(Major Provisions Continued)**

- **Practical Tests**
  - Clarifies that an applicant for a practical test for an additional aircraft class rating must have a logbook or training record endorsement from authorized flight instructor.
  - Revises the length of time for completing a practical test from '60 calendar days' to "2 calendar months."
  - Clarifies when an applicant may choose to perform a practical test as a single pilot or use a second in command.
  - Clarifies what is a military aircraft for the purposes of a practical test.
  - Excepts lighter-than-air aircraft and gliders without an engine from the requirement that aircraft used for a practical test must have engine power controls.
- **Logging of Flight Time**
  - Clarifies 61.51(e)(1) that ATP may log PIC time by correcting an earlier omission.
  - Permits a pilot performing the duties of a PIC while under the supervision of a qualified PIC to log PIC time provided both pilots meet the requirements in the revision.
  - Conforms the rule for logging of instrument time in a flight simulator, flight training device and aviation training device to existing policy.
  - Establishes the aircraft requirements for when a pilot may log flight time.
- **Recent Instrument Flight Experience**
  - A pilot who has not complied with the instrument recent experience requirement of 61.57(c) within the 12 calendar months proceeding the month of the flight must complete an instrument proficiency check to regain PIC instrument qualifications. The proficiency check must be performed on the aircraft category that is appropriate to the instrument privileges desired.
- **Numerous revisions and reorganizations have been made to 61.63 – Additional Pilot Ratings (other than for ratings at the airline transport pilot certification level).**
- **Training Devices**
  - Allows the use of Aviation Training Devices, Flight Simulators and Flight Training Devices for maintaining instrument recent flight experience.
  - Establishes 61.64 to address the use and limitations of flight simulators and flight training devices.
  - Allows for 10 hours of the required training for an instrument rating to be performed in an Aviation Training Device (ATD).
  - Allows for the use of a flight simulator, flight training device or aviation training device for some of the instrument training required for commercial pilot certification-helicopter and gyroplane rating.
- **Training Items**
  - The definition of "cross country" had been amended in all uses to read "more than 50 nautical miles."
  - The cross country requirement for the helicopter and gyroplane rating at the private pilot certification level has been increase to conform to ICAO standards.
  - A requirement for ground reference maneuvers has been added for commercial pilot certification-gyroplane rating.
  - Ground reference maneuvers have been deleted from the commercial certification-powered lift rating.

**OVER...**

## **(Major Provisions Continued)**

- The tasks required for instrument training for commercial pilot certification-airplane single engine rating have been clarified.
- The tasks required for instrument training for commercial pilot certification-airplane multi-engine rating have been clarified.
- Allows for commercial pilot certification cross country training flights to be performed under VFR or IFR.
- Deletes the night cross country aeronautical experience requirements for commercial pilot certification – gyroplane rating, but requires two hours of night flight training including 10 takeoffs and landings at an airport.
- Allows the commercial pilot certification aeronautical experience to be conducted either solo or while performing the duties of PIC with an instructor on board.
- **Night Vision Goggles**
  - The use of night vision goggles is now regulated throughout Part 61, including training and operation standards.

### **Part 91 Changes**

- **Night Vision Goggle Operations**
  - Required instruments and equipment for night vision goggle operations is now established.

### **Part 141 Changes**

- Clarifies that “counters” used for pass rates must be 10 different people and no one graduate may be counted more than once.
- Reduces the number of student enrollments to qualify for a check instructor position to 10 students.
- Permits the use of foreign-registered aircraft for those Part 141 training facilities that are located outside of the United States and where the training is conducted outside of the United States.
- Makes a technical correction to the language in the rules about the proficiency and knowledge test required for transfer students to a Part 141 pilot school.
- Clarifies duties and responsibilities that chief instructor may delegate to an assistant chief instructor and recommending instructor.
- Multiple technical changes to the Part 141 Appendices.

## ***NATA Position***

NATA encourages its members to review the full text of the final rule. The summary provided in this report does not necessarily cover the full depth of some of the proposed changes. NATA will review this final rule with its Flight Training Committee to identify areas that need to be addressed.

## ***Status***

This rule becomes effective on October 20, 2009. The full version of the final rule is available [here](#).

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