



January 31, 2011

U.S. Department of Transportation
Docket Operations
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, S.E., Washington, DC 20590

Re: Petition for Rulemaking - Proposed Amendment to 14 CFR Part 61

The Aircraft Owners and Pilots Association (AOPA), Experimental Aircraft Association (EAA), General Aviation Manufacturers Association (GAMA), and National Association of Flight Instructors (NAFI) collectively represent the interests of general aviation. Together we are petitioning for change to the 14 CFR Part 61 Regulations governing certification of Pilots, Flight Instructors, and Ground Instructors.

Summary

AOPA, EAA, GAMA and NAFI requests that the Federal Aviation Administration (FAA) amend 14 CFR Part 61.99 and 61.109 to permit the instruction time received in pursuit of a sport pilot certificate to be credited towards the instruction requirements of additional certificates and ratings. By allowing instruction received in pursuit of a sport pilot certificate to be credited toward the aeronautical experience requirements of higher certificates, there will be greater incentive to pursue these higher certificates, thereby enhancing safety and encouraging involvement in a wider range of general aviation.

Background

The FAA published in 2004, a final rule establishing the Sport Pilot Certificate and Flight Instructor Certificate with a Sport Pilot Rating (CFI-S). The purpose of this rule as published in the original FAA NPRM on February 5, 2002 was in part to:

- Provide the public safe access to general aviation without creating a significant financial barrier; and
- Create more eligible pilots to meet the needs of future airline and military demand.

The FAA went on to state, “Under this proposal, certificated sport pilots could credit ultralight flight time toward higher-level certificates, which would increase the experience level and qualification of sport pilots.” (page 5374 Federal Register / Vol. 67, No. 24 / Tuesday, February 5, 2002)

It is obvious from these statements that the sport pilot certificate was intended to be able to serve as a stepping-stone towards private pilot and other higher certificates and ratings.

Letter of Interpretation dated July 24, 2009

A legal interpretation dated July 24, 2009, issued by the Office of the Chief Counsel to Mr. Kern determined that the current wording of the sport pilot rule does not allow training given by a CFI-S to a student seeking a sport pilot certificate be credited towards future ratings that student may wish to attain. This is in direct contradiction to the stated intention of the sport pilot rule and in effect, discredits all flight experience received through instruction provided by the CFI-S.

The letter of interpretation went on to say that, “The FAA recognizes that many of the areas of operation on which an applicant for a sport pilot certificate is required to receive training are identical to those on which an applicant for a private pilot certificate is also required to receive training. Permitting a sport pilot to use flight training provided by a flight instructor with a sport pilot rating and airplane, rotorcraft, glider, or lighter-than-air privileges to meet the aeronautical experience requirements for the issuance of a private pilot certificate however, would be the functional equivalent of permitting that instructor to provide flight training for the issuance of the private pilot certificate with those ratings.” AOPA, EAA, GAMA and NAFI disagree with this assessment and request a regulatory change to specifically allow credit towards aeronautical experience.

Part 61: Certification: Pilots and Instructors

Under each certificate and rating section of part 61, the regulations are broken down into three areas of focus with regard to training and experience: **Aeronautical Knowledge, Flight Proficiency, and Aeronautical Experience.**

Experience by definition of the word itself is: active involvement in an activity or exposure to events or people over a period of time that leads to an increase in knowledge or skill.

Aeronautical Experience is defined in 61.1 as “pilot time obtained in an aircraft, flight simulator, or flight training device for meeting the appropriate training and flight time requirements for an airman certificate, rating, flight review, or recency of flight experience requirements of this part.”

The “definitions” of “Aeronautical knowledge” and “flight proficiency” lay within those sections themselves.

61.105 **Aeronautical Knowledge** (for issuance of a private pilot certificate) as an example, defines aeronautical knowledge in 61.105 (a) as “ground training from an authorized instructor ... on the aeronautical knowledge areas of paragraph (b) of this section that apply to the aircraft category and class rating sought”

61.107 (a) defines “**Flight Proficiency**” as “ground and **flight training** from an authorized instructor on the areas of operation of this section that apply to the aircraft category and class rating sought”

The definition of “**Flight Training**” is found in part 61.1 – “that training, other than ground training, received from an authorized instructor in flight in an aircraft”

Experience begins to accrue the very first day that a student pilot sits behind the controls of an aircraft. The aeronautical experience obtained in pursuit of a sport pilot certificate should not be discredited, in essence resetting the clock on aeronautical experience as if that sport pilot was an initial student with no previous experience. The experience gained in pursuit of the sport pilot certificate relates directly to the experience needed to obtain a recreational or private pilot certificate and should not be disregarded.

All aeronautical knowledge areas listed in 61.105 and flight proficiency training listed in 61.107 should be provided by an authorized instructor based on the privileges set forth in the regulations pertaining to the certificated flight instructor, instrument instructor, multi-engine instructor or sport pilot instructor, who would then issue the endorsements required to take the knowledge or practical exams.

Regulatory Confusion

The Letter of Interpretation dated July 24, 2009 brings attention to much of the confusion regarding the layout and intent of the regulations of Part 61 with regard to what specific flight time, obtained in the pursuit of one certificate or rating, may be credited toward additional certificates or ratings.

The FAA states in the LOI that “Permitting a sport pilot to use flight training provided by a flight instructor with a sport pilot rating and airplane, rotorcraft, glider, or lighter-than-air privileges to meet the **aeronautical experience** requirements for the issuance of a private pilot certificate” “would be the functional equivalent of permitting that instructor to provide **flight training** for the issuance of the private pilot certificate with those ratings. Such action is clearly neither permitted by the regulations nor the intent of the 2004 final rule.”

To credit time towards the aeronautical experience requirements of a certificate or rating does not necessarily allow credit towards the “flight proficiency” or “aeronautical knowledge” sections of any certificate or rating; those sections of Part 61 (aeronautical knowledge and flight proficiency) list specific areas of knowledge and areas of operation specific to the certificate or rating being sought and that training must be given by an instructor authorized to provide the training.

Safety is not compromised

If the regulations were changed to allow flight time accrued in the pursuit of a sport pilot instruction to count towards a private pilot certificate, aviation safety would not be compromised. All other regulations governing the private pilot certificate would remain unchanged. All private pilot applicants would still be required to meet the aeronautical knowledge requirements of 61.105, the flight proficiency requirements of 61.107, and the specific aeronautical experience requirements of 61.109 including night flight training, flight by reference to instruments training, and flight training in preparation for the practical test that must be given by a Certificated Flight Instructor. They would also be required to receive a logbook endorsement from an authorized CFI who certifies that the person is prepared for the required knowledge test and they must pass the knowledge test. All private pilot applicants would still be required to receive flight training and logbook endorsement on the areas of operation listed in 61.107 from an authorized flight instructor certifying that the person is prepared for the practical test. They must then pass the private pilot practical test on the areas of operation listed in 61.107 administered by an FAA examiner or designee.

Safety is enhanced as a pilot receives additional training and pursues higher ratings.

Both conventional wisdom and accident statistics hold that safety is enhanced as a pilot receives additional training and pursues higher certificates and ratings.

In the case where a sport pilot who trained under a CFI-S wishes to upgrade to a private pilot certificate, a flight instructor certified under subpart H would be required to provide the aeronautical knowledge and flight proficiency training listed under 61.105 and 61.107, the private pilot exam preparation training, and endorsement certifying that the student meets requirements for a private pilot certificate.

In furtherance of the FAA's intended goals of allowing the sport pilot certificate to be a stepping-stone toward higher ratings and encouraging sport pilots to build upon their existing skills and knowledge by pursuing higher certificate levels, AOPA, EAA, GAMA and NAFI request that the amendment contained herein be implemented as soon as possible.

Proposed Amendment

The undersigned propose that the term “authorized instructor” be removed from sections of part 61.99 Aeronautical experience for Recreational Pilots and 61.109 Aeronautical Experience for a Private Pilot Certificate. This will allow the instruction received in pursuit of a sport pilot certificate to be credited towards the aeronautical experience of recreational or private pilot certificate yet will not allow the instruction received by a sport pilot instructor to “provide flight training for the issuance of the private pilot certificate” which was of concern in the LOI. A Sport Pilot would still be required to obtain training and endorsements from an “authorized instructor” on all areas of 61.105 and 61.107 prior to applying for a private pilot certificate as well as the recency of training required in preparation for the practical test within the two preceding calendar months the date of the practical test.

Delete “from an authorized instructor” from 61.99(a) Aeronautical Experience for the Recreational Pilot Certificate yet leave the term “authorized instructor” in the 61.99(a)(2) recent training requirement:

§ 61.99 Aeronautical experience.

A person who applies for a recreational pilot certificate must receive and log at least 30 hours of flight time that includes at least—

- (a) 15 hours of flight training on the areas of operation listed in §61.98 of this part that consists of at least:

Delete “from an authorized instructor” from Aeronautical Experience for the Recreational Pilot Certificate yet leave the term “authorized instructor ” in the recent training requirements of each subsection to read:

§ 61.109 Aeronautical experience.

(a) For an airplane single-engine rating. Except as provided in paragraph (k) of this section, a person who applies for a private pilot certificate with an airplane category and single-engine class rating must log at

least 40 hours of flight time that includes at least 20 hours of flight training and 10 hours of solo flight training in the areas of operation listed in §61.107(b)(1) of this part,

(4) 3 hours of flight training with an authorized instructor in a single-engine airplane in preparation for the practical test, which must have been performed within the preceding 2 calendar months from the month of the test; and

(b) For an airplane multiengine rating. Except as provided in paragraph (k) of this section, a person who applies for a private pilot certificate with an airplane category and multiengine class rating must log at least 40 hours of flight time that includes at least 20 hours of flight training and 10 hours of solo flight training in the areas of operation listed in §61.107(b)(2) of this part, and the training must include at least—

We appreciate your time and attention to this matter of significant importance to the recreational aviation community and stand ready to answer any questions or provide any additional information or supporting documentation you may require.

Sincerely,



Kristine Hartzell
Manager, Regulatory Affairs
Aircraft Owners and Pilots Association



David Oord
Government & Advocacy Specialist
Experimental Aircraft Association



Kathryn Fraser
Manager of Operations
General Aviation Manufacturers Association



Jason Blair
Executive Director
National Association of Flight Instructors