



## Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating

### SUMMARY

On February 1, 2010, the FAA released its revision to the Sport Pilot Rule in the Federal Register. The effective date of the revision will be April 2, 2010.

EAA and NAFI jointly submitted comments to the NRPM on August 12, 2008. A majority of our comments were taken into consideration and agreed upon in the final rule. Several, however, were not.

Below is a review of the revision broken down by each individual proposal with EAA's position, FAA's decision and its effect on the sport pilot community.

#### Proposal 1

Replace sport pilot privileges with aircraft category and class ratings on all pilot certificates

**EAA's Position** – The FAA did not show any safety reasons for the proposed change. EAA had concerns that the proposal would create hardships on existing sport pilots who would not be provided any means to examine their FAA pilot certificate records prior to the FAA issuance of the new category and class style certificate. EAA offered an alternative three-pronged approach to the conversion requirement.

**FAA Decision – Withdrawn** The FAA agreed that the potential burden did not justify the adoption of the proposal. However, they are retaining the portion of the proposal that requires holders of a commercial pilot certificate with an airship or balloon rating to obtain privileges to provide instruction in an additional category and class of aircraft only after completion of a practical test and not after completion of a proficiency check.

**Effect on the Community** – Although the proposal has been withdrawn, the FAA is still concerned about its documentation of airmen and their respective endorsements. EAA recommends pilots to go to the FAA Airman Registry website and validate that their current privileges for category and class are correct. If they are not, the individual can contact the FAA to ensure that the agency has the appropriate records.

## Proposal 2

---

Replace sport pilot flight instructor privileges with aircraft category ratings on all flight instructor certificates

**EAA's Position** – EAA provided the same concerns presented in Proposal 1.

**FAA Decision – Withdrawn** The FAA again agreed that the burden did not justify the proposal. However, they are retaining the portion of the proposal that requires holders of a commercial pilot certificate with an airship or balloon rating to obtain privileges to provide instruction in an additional category and class of aircraft only after completion of a practical test and not after completion of a proficiency check.

**Effect on the Community** – The overall effect will be minimal, however instructors are still encouraged to verify that the FAA Registry is correct as it relates to their individual privileges for category and class.

## Proposal 3

---

Remove current provisions for the conduct of proficiency checks by flight instructors and include provisions for the issuance of category and class ratings by designated pilot examiners

**EAA's Position** – EAA opposed this change. The proposal would have changed the basic intent of the original sport pilot rule for no clear purpose. Additionally, there is currently a lack of geographically available sport pilot instructors and DPE's qualified in all category and class Light Sport Aircraft.

**FAA Decision – Withdrawn** The FAA agreed that the burden imposed by the proposal would not have justified the adoption and therefore withdrew the proposal.

**Effect on the Community** – None

## Proposal 4

Place all requirements for flight instructors under single subpart (subpart H) of part 61

**EAA's Position** – EAA agreed with this proposed change. One of the primary reasons to place all flight instructors under subpart H is for standardization. EAA encouraged the FAA to better clarify the incorporation of subpart K instructors where some conflicts existed.

**FAA Decision – Withdrawn** If the FAA had adopted the proposal for issuing sport pilot flight instructor certificates, the privileges and limitations of those flight instructors and the methods by which they are certificated would have been so similar to subpart H instructors, the separate subparts would have been unnecessary. Since the FAA did not adopt the previous proposal, it chose not to adopt this one either.

**Effect on the Community** – Minimal as it stands now. Unfortunately dual instruction received from a subpart K instructor can only count towards the attainment of a sport pilot certificate.

## Proposal 5

Require 1 hour of flight training on the control and maneuvering of an airplane solely by reference to instruments for student pilot seeking a sport pilot certificate to operate an airplane with a  $V_H$  greater than 87 knots CAS and sport pilots operating airplanes with a  $V_H$  greater than 87 knots CAS

**EAA's Position** – EAA opposed this change since the original basis for the sport pilot rule was day VFR flight only. Since the inception of the rule, there has not been a single fatal accident contributed to inadvertent flight into IMC.

**FAA Decision – Withdrawn** The FAA contends that current regulations require student pilots seeking a sport pilot certificate to receive and log flight training in the control and maneuvering of an airplane solely by reference to flight instruments. These requirements are detailed in §61.93 however it does not specify any minimum flight training time to meet those requirements. The FAA agreed that flight instructors with a sport pilot rating do not have the necessary instrument training to adequately train other pilots for flight by reference to instruments.

**Effect on the Community** – Clarification on the required instruction is needed. The FAA states that current regulations for the issuance of a sport pilot certificate do not require an applicant to receive flight training on the control and maneuvering of any airplane solely by reference to instruments. However, §61.93(e)(12) states the maneuvers and procedures for cross-country flight training in a single-engine airplane require control and maneuvering solely by reference to flight instruments. EAA is seeking clarification.

## Proposal 6

Remove the requirement for persons exercising sport pilot privileges and flight instructors with a sport pilot rating to carry their logbooks while in flight

**EAA's Position** – EAA agreed with this change

**FAA Decision – Withdrawn** Since the proposal to certificate pilots and instructors with category and class privileges was not adopted, there remains a need to have pilots carry their logbooks to demonstrate that they are authorized to exercise category and class privileges.

**Effect on the Community** – None. However, EAA would recommend pilots to carry copies of their logbooks with the endorsements for category and class. This will prevent the difficult task of replication if the logbook was ever lost, destroyed, or stolen.

## Proposal 7

Remove the requirement that persons exercising sport pilot privileges have an aircraft make-and-model endorsement to operate a specific set of aircraft while adding specific regulatory provisions for endorsements for the operation of powered parachutes with elliptical wings and aircraft with a  $V_H$  less than or equal to 87 knots CAS

**EAA's Position** – EAA agreed with the proposed change to eliminate make-and-model endorsements but opposed the change to add a specific endorsement for operating powered parachutes with elliptical wings.

**FAA Decision – Adopted** The FAA adopted the removal of the requirement that person exercising sport pilot privileges have an aircraft make-and-model endorsement. The duplicative nature of currently requiring endorsements and proficiency checks made a specific requirement for make-and-model endorsement to operate any aircraft within a set of aircraft redundant. The FAA **Withdrew** the proposal to add specific endorsements for powered parachutes with elliptical wings. However, the FAA is **Adopting** the requirement to receive training and an endorsement to operate an aircraft with a  $V_H$  less than or equal to 87 knots CAS. The FAA did not believe that receiving training in an airplane with a  $V_H$  greater than 87 knots CAS would adequately prepare a sport pilot to operate a low-speed, high-drag airplane with a  $V_H$  less than or equal to 87 knots CAS without training.

**Effect on the Community** – In light on the FAA's decision not to grant letters of deviation authority (LODAs) for primary instruction in E-LSAs, the expiration of the training deviation, and the lack of an adequate fleet of S-LSA with a  $V_H$  less than 87 knots, the FAA has effectively obliterated this segment of aviation. It will be prohibitively burdensome to find an instructor with an S-LSA that has a  $V_H$  less than 87 knots.

## Proposal 8

Remove the requirement for all flight instructors to log at least 5 hours of flight time in a make and model of light-sport aircraft before providing training in any aircraft from the same set of aircraft in which the training is given

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted as proposed** Although the FAA believes that a person providing instruction in an aircraft should be familiar with that aircraft's operating characteristics, due to the variety of operating characteristics of individual aircraft, the agency did not believe that mandating a minimum amount of flight time was appropriate.

**Effect on the Community** – Sport pilot instruction will now be more accessible due to the fact that instructors will not need the required five hours of experience in a particular make and model. The financial burden to accomplish that training has been lifted from the flight instructor community.

## Proposal 9

Permit persons exercising sport pilot privileges and the privileges of a student pilot seeking a sport pilot certificate to fly up to an altitude of not more than 10,000 feet mean sea level (MSL) or 2,000 feet above ground level (AGL), whichever is higher.

**EAA's Position** – EAA agreed with the change but suggested it be modified to reflect §91.211(a)(1) the FAA standard for altitude restrictions when operating an aircraft that does not have supplemental oxygen available to the flight crew – flight between 12,500 feet MSL to 14,000 MSL is limited to 30 minutes.

**FAA Decision – Adopted as proposed** The primary purpose of the proposal was to increase the safety of operations conducted in mountainous areas and eliminate unnecessary burdens imposed by the current rule. The FAA felt that by permitting persons exercising sport pilot privileges to operate at 10,000 feet MSL or 2,000 feet AGL, whichever is higher, they achieved its purpose.

**Effect on the Community** – The safety of sport pilots operating in mountainous areas will be increased due to the adoption of this proposal.

## Proposal 10

Permit private pilots to receive compensation for production flight testing powered parachutes and weight-shift-control aircraft intended for certification in the light-sport category under §21.190

**EAA's Position** – EAA agreed with the change but asked that the FAA to incorporate gyroplanes into the proposal

**FAA Decision – Adopted with slight modification** The FAA adopted the proposal but included a requirement that persons conducting production flight testing be familiar with the processes and procedures applicable to those operations to include those conducted under a special flight permit and any associated operating limitations. The FAA ruled that the incorporation of gyroplanes into the proposal was outside the scope of the NPRM.

**Effect on the Community** – Minimal

## Proposal 11

Revise student sport pilot solo cross-country navigation and communication flight training requirements

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted as proposed**

**Effect on the Community** – If an aircraft is not equipped with radios for VFR navigation and two-way communication students will no longer be required to receive training in those procedures. Additionally, students will not be required to receive training in control and maneuvering of an airplane solely by reference to flight instruments prior to conducting solo cross-country flight in an aircraft other than airplanes with a  $V_H$  greater than 87 knots CAS. That training will remain a requirement if the student pilot will be conducting cross-country flight in an airplane that has a  $V_H$  greater than 87 knots.

## Proposal 12

Clarify cross-country distance requirements for private pilots seeking to operate weight-shift-control aircraft

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted as proposed**

**Effect on the Community** – Cross-country flight must include a point of landing that is a straight-line distance of more than 50 nautical miles from the original point of departure.

## Proposal 13

Revise aeronautical experience requirements at towered airports for persons seeking to operate a powered parachute or weight-shift-control aircraft as a private pilot

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted as proposed**

**Effect on the Community** – Currently, pilots seeking to obtain ratings in powered parachutes or weight-shift-control aircraft experience difficulty conducting operations at tower-controlled airports. Due to their slower speeds they frequently find it difficult to operate in the traffic pattern with other categories and classes of aircraft. Students are now permitted to obtain the necessary aeronautical experience in the category of aircraft for which a rating is sought while in solo flight, but also in dual flight in any category of aircraft.

## Proposal 14

Remove the requirement for pilots with only a powered parachute or a weight-shift-control aircraft rating to take a knowledge test for an additional rating at the same certificate level

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted as proposed**

**Effect on the Community** – Persons who hold category ratings for powered parachutes or weight-shift-control aircraft are no longer required to take a knowledge test when applying for an additional category or class rating for a powered aircraft at their certificate level.

## Proposal 15

Revise the amount of hours of flight training an applicant for a sport pilot certificate must log within 60 days prior to taking the practical test

**EAA's Position** – EAA agreed with this change

**FAA Decision – Adopted with modification**

**Effect on the Community** – The number of hours required to be logged within 2 calendar months prior to the date of a practical test is reduced from 3 to 2 hours, for aircraft other than gliders. For gliders, the experience is reduced to 3 training flights. Due to the fewer hours of flight time required to be logged for the issuance of a sport pilot certificate with – (1) powered-parachute category land- or sea-class privileges; and (2) light-than-air category and balloon-class privileges, the FAA is revising its proposal to require that applicants for a sport pilot certificate with those privileges must only log 1 hour of flight training on those areas of operation specified in §61.311 in preparation for the practical test.

## Proposal 16

Remove expired ultralight transition provisions and limit the use of aeronautical experience obtained in ultralight vehicles

**EAA's Position** – EAA agreed with the proposal to remove expired ultralight transition provisions. EAA opposed limiting the use of aeronautical experience obtained in ultralight vehicles.

**FAA Decision – Adopted** the proposal to remove expired ultralight transition provisions and **Adopted** the proposed change to §61.52(a) and (b); setting an end date of January 31, 2012.

**Effect on the Community** – After January 31, 2012, aeronautical experience obtained in ultralight vehicles can no longer be used to meet the requirements of a pilot certificate.

## Proposal 17

Add a requirement for student pilots to obtain endorsements identical to those proposed for sport pilots in §61.324 and §61.327

**EAA's Position** – EAA disagreed with the proposal

**FAA Decision – Withdrawn** Since the FAA decided to withdraw the proposed elliptical-wing endorsement for sport pilots, the agency withdrew the proposal to require a corresponding endorsement for student pilots.

**Effect on the Community** – None

## Proposal 18

Clarify that an authorized instructor must be in a powered parachute when providing flight instruction to a student pilot

**EAA's Position** – EAA disagreed with the proposal. EAA contends that a structured training program for Powered Parachutes should include supervised solo with established radio communications. The increased performance with a single pilot enhances safety and makes for a better training environment. EAA also asked the FAA to clarify the loggable time in regards to Powered Parachute instruction.

**FAA Decision – Adopted with non-sustentative revisions** The FAA has never recognized radio flight training as “dual flight instruction.” The FAA adopted the change to §61.313(g)(1), with a minor non-sustentative revision, clarifying that an authorized instructor must be in a powered parachute when providing instruction to a student pilot. In regards to the request to clarify loggable time, the FAA noted that Section 1.1 defines “flight time” as “pilot time that commences when an aircraft moves under its own power for the purposes of flight and ends when the aircraft comes to rest after landing.

**Effect on the Community** – Dual instruction in powered parachutes must be given with the instructor in the aircraft and only when the aircraft moves under its own power. Radio flight training is not permitted.

## Proposal 19

Remove the requirement for aircraft certificated as experimental aircraft under §21.191(i)(3) to comply with the applicable maintenance and preventive maintenance requirements of part 43 when those aircraft have been previously issued a special airworthiness certificate in the light-sport category under §21.190

**EAA's Position** – EAA agreed with the proposal but recommended a change to §43.3(g) and §43.7(f) to further support the proposed preventative maintenance change

**FAA Decision – Adopted the change with modifications** The FAA only intended to provide relief to aircraft issued an experimental certificate under the provision of §21.191(i)(3) when that aircraft had previously been issued an airworthiness certificate in the light-sport category under §21.190.

**Effect on the Community** – Owners and operators of Experimental light-sport aircraft that were previously certificated as Special light-sport aircraft will be able to perform the maintenance on their aircraft.

## Proposal 20

Require aircraft owners or operators to retain a record of the current status of applicable safety directives for special light-sport aircraft

**EAA's Position** – EAA agreed with this change but asked for clarification on the word “applicable” as found in §91.417(a)(2)(v) “...applicable airworthiness directives (AD) ....”

**FAA Decision – Adopted as proposed** The FAA deemed our request for clarification outside the scope of the NPRM.

**Effect on the Community** – The change will help ensure that light-sport aircraft remain airworthy and allow aircraft owners and operators to better track the current status of applicable safety directives.

## Proposal 21

Provide for the use of aircraft with a special airworthiness certificate in the light-sport category in training courses approved under part 141

**EAA's Position** – EAA agreed with the proposal

**FAA Decision – Adopted as proposed**

**Effect on the Community** – The FAA has publically acknowledged that Light-Sport aircraft, manufactured in accordance with FAA-accepted consensus standards, provide an acceptable level of safety for use in part 141 training courses. S-LSAs can only be used in part 141 training courses located within the United States.

## Proposal 22

Revise the minimum safe-altitude requirements for powered parachutes and weight-shift-control aircraft

**EAA's Position** – EAA agreed with the proposal for powered parachutes and weight-shift-control aircraft but asked that gyroplanes be included in the rulemaking as well. Additionally, EAA recommended that all light-sport aircraft operating with a  $V_H$  less than 87 knots CAS would meet the same flight safety parameters mentioned in the NPRM.

**FAA Decision – Adopted as proposed** EAA's suggestions were ruled to be outside the scope of the NPRM.

**Effect on the Community** – Powered parachutes and weight-shift-control aircraft can now be operated over other-than-congested areas at less than 500 feet above the surface, provided the operation is conducted without hazard to persons or property on the surface.