

## **FAA Withdraws Many Proposed Changes In Sport Pilot, Instructor Rules**

### **Changes In Proficiency Requirements, Instrument Instruction Pulled From Final Rule**

The FAA has decided to withdraw several of its proposed changes to the sport pilot and sport pilot instructor regulations following comments made on the NPRM issued last year.



On April 15, 2008, the FAA published an NPRM entitled, "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" (73 FR 20181). The NPRM proposed to address airman certification issues that have arisen since regulations for the operation of light-sport aircraft were first implemented in 2004.

The NPRM contained some 22 rules changes, and over 150 comments were received from individual pilots and instructors, as well as from the EAA, AOPA, NAFI, and others. After reviewing those comments, the FAA did away with many of the proposed changes, and modified others.

The first four proposed changes, dealing with replacing sport pilot and sport pilot flight instructor privileges with aircraft category and class ratings; require issuance of category and class ratings by designated pilot examiners; and place all requirements for flight instructors under part 61 subpart H, were withdrawn completely. The FAA agreed with the commenters that the potential burden does not justify adoption of the proposal, and withdrew those portions of the NPRM related to replacing sport pilot and sport pilot flight instructor privileges with aircraft category and class ratings. In addition, the FAA is withdrew the proposed requirement that proficiency checks be conducted by DPEs instead of authorized instructors, as well as the proposal to move all requirements for flight instructors with a sport pilot rating from subpart K to subpart H.



Additionally, when the FAA proposed to include all requirements for flight instructors with a sport pilot rating in subpart H, the FAA clarified the limitations set forth in current § 61.415 by proposing to revise § 61.195 to indicate that a flight instructor with a sport pilot rating may only provide flight instruction in a light-sport aircraft. Although the FAA is not adopting the proposal to place all requirements for flight instructors with a sport pilot rating in part 61 subpart H, the FAA is revising the introductory text of § 61.415 to specify that a flight instructor with a sport pilot rating may only provide flight training in a light-sport aircraft. The FAA says this change clarifies the original intent of the 2004 final rule.



While the FAA is not adopting its proposal to remove provisions for the conduct of proficiency checks by flight instructors and include provisions for the issuance of category and class ratings by DPEs, the agency remains concerned that it may not have a complete record of those individuals who have received sport pilot privileges as a result of satisfactory completion of a proficiency check conducted by an authorized instructor. Instead, the FAA is implementing non-regulatory procedures, which will improve its ability to obtain a record of all proficiency checks conducted by flight instructors.



Another of the withdrawn proposals would have required student pilots seeking a sport pilot certificate and sport pilots operating an airplane with a maximum airspeed in level flight with maximum continuous power (VH) greater than 87 knots calibrated airspeed (CAS) to receive and log 1 hour of flight training on the control and maneuvering of an aircraft solely by reference to instruments. Many commenters, however, objected to the proposed change. They asserted that the proposal would go beyond the intent of the 2004 rule because sport pilots may only fly in day VFR conditions, the FAA did not offer any data to suggest that there is a safety problem that would necessitate such training, and that flight instructors with a sport pilot rating typically receive only 1 hour of instrument training and therefore do not have necessary instrument training to adequately train other airmen.

Although the FAA contends that inadvertent flight into instrument conditions by pilots not appropriately rated to conduct such flight constitutes a significant safety hazard, the FAA agreed with the commenters' concern that flight instructors with a sport pilot rating would not have necessary instrument training to adequately train other pilots for flight by reference to instruments. Additionally, the proposal would have required a student pilot seeking a sport certificate or a sport pilot to obtain instruction in an aircraft equipped for instrument flight when the aircraft in which he or she normally conducts flight operations is not equipped for instrument flight. Based upon these concerns and the potential burden the proposed requirement would have placed on the sport pilot community, the FAA is withdrawing the proposed change.



Among the proposals in the NPRM that the FAA is adopting is one to require an endorsement for aircraft with a VH less than or equal to 87 knots CAS, EAA, NAFI, and an individual commenter raised objections. The Experimental Aircraft Association and NAFI said they essentially agreed with the concept, but aid that initial certification in a single engine land airplane should be sufficient to fly other single-engine airplanes within the definition of light sport aircraft. The individual commenter did not believe accident data support the 87-knot-CAS division any longer and suggested the distinction be withdrawn from this proposal and removed throughout other light-sport regulations.

The FAA does not believe that receiving training in an airplane with a VH greater than 87 knots CAS will adequately prepare a sport pilot to operate a low-speed, high-drag airplane with a VH less than or equal to 87 knots CAS without additional training. The agency maintains the proposed endorsement to operate an aircraft with a VH less than or equal to 87 knots CAS is justified and is adopting this change.

The FAA had proposed to eliminate the requirement for flight instructors with a sport pilot rating to have logged 5 hours of flight time in order to provide flight instruction in a make and model aircraft within a specific set of aircraft. The FAA believes that the aeronautical experience requirements for the issuance of a flight instructor certificate with a sport pilot rating and the endorsements necessary to exercise those privileges are sufficient for an instructor to safely provide flight instruction in any aircraft for which that instructor has privileges.

The agency believes that the aeronautical experience requirements for the issuance of a flight instructor certificate with a sport pilot rating and the endorsements necessary to exercise those privileges are sufficient for an instructor to safely provide flight instruction in any aircraft for which that instructor has privileges. The agency has determined that 5 hours of aeronautical experience in a particular make and model of light sport aircraft therefore should not be required to safely provide flight instruction in these relatively simple, non-complex aircraft. The FAA is adopting this change as proposed.



Another significant change would 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. The FAA proposed to add the words "or 2,000 feet AGL [above ground level], whichever is higher" to allow sport pilots and student pilots seeking a sport pilot certificate to operate in mountainous areas higher than 10,000 feet MSL when such operations are less than 2,000 feet AGL. The FAA is adopting this rule as proposed.

Other rules changes deal specifically with weight-shift control aircraft and powered parachutes. The changes become effective April 2, 2010.

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