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August 13, 2008

Docket Management Facility
U.S. Department of Transportation
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West Building Ground Floor, Rm. W12-140
Washington, DC 20590-0001

Re: Docket No. FAA-2007-29015 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

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of more than 415,000 pilots. Representing two thirds of the pilots in the United States, AOPA is the largest civil aviation organization in the world. Our mission is to effectively serve the interests of members as pilots or aircraft owners to establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft.

AOPA submits the following comments to the Federal Aviation Administration's (FAA) 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 Notice of Proposed Rulemaking (NPRM) published in the Federal Register on Tuesday, April 15, 2008.

AOPA appreciates the review the FAA has done of the existing regulations governing sport pilots. This review, appropriately timed after the establishment of the sport pilot regulations, will help the general aviation community better comply with the regulations and has the potential to remove some compliance barriers for sport pilots.

To analyze the list of proposed changes, AOPA used and relied on the expertise of the association's staff, the AOPA Air Safety Foundation and the general membership. The following recommendations are based on the analysis of the association's professional staff and the views of the members.

Changes Supported by AOPA

FAA proposal to move the requirements for sport pilot flight instructors into the same federal aviation regulation (FAR) section that covers all other flight instructor requirements

Explanation of change: The FAA is proposing to move the requirements for flight instructors with a sport pilot rating, currently found in CFR 14 Part 61 Subpart K, into CFR 14 Part 61 Subpart H. This change would group all flight instructor requirements into one subpart.

AOPA recommendations: AOPA supports this proposed reorganization of the regulatory subparts because it would help to clear up some confusion within the flight instructor community about the requirements to be a flight instructor with a sport pilot rating and the requirements and privileges of flight instructors other than sport pilot instructors.

FAA proposal to eliminate the 5 hours of flight time in make and model

Explanation of change: The FAA is proposing to eliminate the requirement of CFR 14 Part 61.415 (e), which states: "You may not provide flight training in an aircraft unless you have at least 5 hours of flight time in a make and model of light-sport aircraft within the same set of aircraft as the aircraft in which you are providing training."

AOPA recommendations: AOPA endorses the implementation of this proposed change because it would help bring the requirements of flight instructor certificates with a sport pilot rating more in line with the current regulatory requirements of all other flight instructor certificates. Flight instructor certificates other than those with a sport pilot rating only require that the pilot "log at least 15 hours as pilot in command in the category and class of aircraft that is appropriate to the flight instructor rating sought." (CFR 14 Part 61.183(j)) Within this "non sport pilot" group of flight instructors only pilots allowed to instruct in multiengine aircraft, helicopters and powered lift aircraft have a requirement to gain five hours of flight time before instructing in a specific make and model.

FAA proposal to allow sport pilots to fly above 10,000' msl if they are at or below 2,000' agl

Summary of proposed changes: The FAA is proposing to revise the limitations of the sport pilot rating and allow sport pilots to fly above 10,000 feet mean sea level (msl) as long as they are at or below 2,000 feet above ground level (agl). The specific change to CFR 14 Part 61.315(c) would read, "You may not act as pilot in command of a light-sport aircraft. . . At an altitude of more than 10,000 feet msl, or 2,000 feet agl, whichever is higher."

AOPA recommendations: This is supported by AOPA. The association has heard from many pilots who are concerned about the operation of light sport aircraft by sport pilots in mountainous areas specifically because the current regulatory limitation prohibits these pilots from flying above 10,000 feet msl. These pilots believe that this limitation does not provide enough altitude for safe operation in mountainous areas.

Many of the new light sport aircraft are capable of operating above 10,000 feet msl and the proposed revision would allow sport pilots to operate in mountainous areas higher than 10,000 feet msl when such operations are at or below 2,000 feet agl. By providing sport pilots the option to fly at 2,000 feet agl in mountainous terrain, the proposed revision should assist in reducing the risks associated with flying mountainous areas.

FAA proposal to modify the training requirements for student pilots seeking a sport pilot certificate

Summary of proposed changes: The FAA is proposing to amend the requirements for maneuvers and procedures for cross-country flight training in a single-engine airplane, a gyroplane, and an airship.

The proposed amendment would exempt student pilots seeking a sport pilot certificate from the requirement to receive and log flight training on the use of radios for visual flight rules (VFR) navigation and two-way radio communications, unless this equipment is installed in the aircraft used for the solo cross-country flight.

In addition, the amendment would exempt student pilots seeking a sport pilot certificate from the requirement to receive and log flight training on control and maneuvering solely by reference to the flight instruments, unless operating an airplane with a maximum airspeed in level flight with maximum continuous power (V_H) greater than 87 knots calibrated airspeed (CAS).

AOPA recommendations: AOPA supports this proposed change because it would better match the sport pilot training requirements with the current light sport aircraft fleet. Under the current training requirements it is possible that a student pilot would have to switch out of their primary training aircraft to one that has a radio installed solely to meet the regulatory requirement.

FAA proposal to reduce the number of flight hours within the 60 days immediately prior to the practical test

Summary of proposed changes: The FAA is proposing to reduce the number of flight hours that must be logged in preparation for the practical test within the 60 days immediately prior to practical test. For aircraft other than gliders the requirement would be reduced from three hours to two hours. For gliders, the FAA is proposing to change the aeronautical experience that must be logged within the 60 days immediately prior to the practical test from three hours to three training flights.

AOPA recommendations: The practical test is performance based. Applicants who successfully pass the practical test do so because they can perform to a specified standard, not because they have had a prescribed number of flights or flight time within the 60 days immediately prior to the practical test. For that reason, AOPA supports

lowering the flight and flight time requirements prescribed for this 60-day period. If an applicant needs additional test preparation within this 60-day window the applicant and flight instructor can choose to exceed the minimum flight time set forth in the regulations.

FAA proposal to require aircraft owners and operators to retain a record of safety directives

Summary of proposed changes: Currently there is no requirement that owners or operators of light sport aircraft maintain a record of the current status of all applicable safety directives for their aircraft. The FAA is proposing to change FAR 91.147 and add this requirement and a requirement that this record be transferred with the aircraft in the event the aircraft is sold.

AOPA recommendations: AOPA supports this proposed change and believes this change will help ensure that light sport aircraft remain airworthy and that aircraft owners and operators better track the current status of applicable safety directives. Additionally, this proposed change would ensure that people buying a light sport aircraft secondhand would have a complete record of all the safety directives complied with on the aircraft.

FAA proposal to allow light sport aircraft to be used in 141 approved flight schools

Summary of proposed changes: The FAA is proposing to change FAR 141.39(b) to permit the use of aircraft with a special airworthiness certificate in the light sport category to be used in FAR Part 141 approved flight training schools. This would allow the use of light sport aircraft in these flight-training programs. For example, Cessna's new 162 could be used as a primary training aircraft for applicants seeking a certificate or rating from a 141 approved school.

AOPA recommendations: AOPA supports this change, as it will allow Part 141 flight schools to offer Sport Pilot training programs. This will allow applicants seeking a sport pilot certificate to take advantage of the Part 141-flight school environment.

This change also has the potential of decreasing the cost of flight training for other certificates and rating as the purchase and rental cost of light sport aircraft is generally lower than FAR Part 23 certificated aircraft. The decrease in cost may encourage some pilots to take advantage of additional training with the goal of increasing overall flight proficiency.

Changes Opposed by AOPA

FAA proposals to eliminate proficiency checks administered by an authorized flight instructor

Summary of proposed changes: This notice of proposed rulemaking includes three changes that would eliminate the ability of authorized flight instructors to administer proficiency checks. Currently, authorized instructors are allowed under the regulations to perform proficiency checks for:

- Individuals seeking privileges to operate an additional category and class of light sport aircraft to obtain the appropriate category and class rating.
- Flight instructors who wish to operate an additional category and class of light sport aircraft.

The proposal also includes a change to FAR 61.412 that removes administering proficiency checks from the privileges of a flight instructor certificate with a sport pilot rating.

Under the proposed changes a person seeking privileges to operate an additional category and class of light sport aircraft *or* flight instructors wishing to add a category and class to their flight instructor certificate with sport pilot rating would have to undergo a practical test. These ratings would be issued after the successful completion of a practical test administered by an FAA-designated pilot examiner (DPE).

Currently, additional category and class privileges are gained by successfully passing a proficiency check administered by an authorized instructor. *This practice would be discontinued under the proposed change.*

According to the NPRM, the FAA is proposing this change for three reasons: 1) lack of FAA oversight of flight instructors administering proficiency checks, 2) lack of training for flight instructors in how to properly administer a proficiency check, and 3) concern that the FAA is not receiving all the paperwork from flight instructors following successful completion of a proficiency check.

AOPA recommendations: AOPA does not support the proposed changes and recommends that proficiency check privileges for flight instructors with a sport pilot rating, and the FAR language relating to these privileges, remain in the FARs without change.

AOPA does not agree that the FAA lacks oversight of flight instructors administering sport pilot proficiency checks. As the regulator, the FAA can suspend or revoke a flight instructor certificate or administer a retest (the so called '709 ride') if they feel the flight instructor is deficient in a skill or knowledge area required for their rating level.

The very low number of accidents and incidents involving pilots with a sport pilot certificate indicate there is no lack of quality in the administration of proficiency checks for sport pilots or flight instructors with a sport pilot rating. Since 2004, there have

only been five accidents involving pilots with a sport pilot certificate. Due to the low number of accidents, AOPA does not support any changes to the regulations governing sport pilot certification that would add cost and scheduling issues as a barrier to certification.

To address the FAA's concern that flight instructors are not currently trained to administer sport pilot proficiency checks of any kind, the FAA should consider adding training in this area to flight instructor refresher clinics and to the requirements of the sport pilot flight instructor certificate. This training should not only cover the basic elements of a proficiency check, but also the paperwork that needs to be sent to the FAA upon successful completion of a proficiency check.

Operationally, flight instructors routinely administer proficiency checks for holders of certificates and ratings above the sport pilot level. Authorized instructors routinely administer instrument proficiency checks (IPC) under FAR 61.57(d). Under 61.57(d) an authorized instructor can conduct an IPC to ensure the pilot meets the performance standards outlined in the instrument practical test standards (PTS). In this situation authorized instructors not only perform a proficiency check but they also ensure the pilot meets a predetermined performance level.

Authorized flight instructors perform flight reviews under FAR 61.56. Under this regulation flight instructors are allowed to use their professional judgment in selecting maneuvers and procedures they feel "are necessary for the pilot to demonstrate the safe exercise of the privileges of the pilot certificate." (FAR 61.56(a)(2))

If a pilot chooses to complete the FAA's pilot proficiency program ("Wings" program) in lieu of a flight review the pilot flies with an authorized instructor. The instructor is responsible for overseeing the flights prescribed by the Wings program and evaluating that the pilot meets the PTS standards for selected maneuvers.

Authorized flight instructors also evaluate a pilot's performance prior to giving endorsements for the operation of tailwheel, high-performance and complex aircraft. These endorsements, just like those for the IPC, flight review, and Wings program, are made and kept in the pilot's logbook. Should the pilot's logbook be lost there would be no record of the pilot's currency, authority to operate certain types of aircraft or in certain types of weather conditions.

FAA proposal to require sport pilots to receive flight training on the control and maneuvering of an aircraft solely by reference to instruments

Summary of proposed changes: The FAA is proposing to require that student pilots seeking a sport pilot certificate, and sport pilots, receive and log one hour of flight training on the control and maneuvering of an airplane solely by reference to instruments.

This proposed requirement would only apply to those seeking sport pilot privileges on aircraft with a V_H greater than 87 knots CAS.

The FAA feels operators of aircraft with a V_H greater than 87 knots CAS “may inadvertently encounter conditions less than those specified for VFR operations due to their greater speed and range. Operators of these aircraft are more likely to encounter instrument meteorological conditions than operators of other categories of aircraft.”

This proposed change would be retroactive and the FAA would give pilots who currently hold a sport pilot certificate one year to comply with the proposed requirement.

AOPA recommendations: AOPA does not support the proposed change.

The FAA’s rationale for the proposed change is not based on any accident data. None of the five accidents had by pilots who completed the training for a sport pilot certificate related to instrument meteorological conditions.

Additionally, AOPA does not support a flight-training requirement that is retroactive. Historically, current holders of certificates, ratings, or operating privileges are grandfathered when the training or operational requirements of their certificates or ratings change. Two examples of this are the authorization requirements to operate tailwheel and high-performance aircraft. In the case of tailwheel aircraft pilots are exempt from the training and endorsement requirement if they logged pilot in command time prior to April 15, 1991. (FAR 61.31(i)(2)) In the case of high-performance aircraft pilots are exempt from the training and endorsement requirement if they logged pilot in command time prior to April 15, 1991. (FAR 61.31(f)(2)) A grandfather date is also listed in the FARs for the operation of complex aircraft. A similar approach should be followed for any new training or operational privilege requirement.

AOPA Recommendations for Additional Changes

In addition to the comments provided in response to the FAA’s current proposal, AOPA recommends two additional changes to the current regulations governing sport pilots.

AOPA asks the FAA to clarify in the final rule that flight training time gained while pursuing a sport pilot certificate can be counted toward the flight training requirement for a private pilot certificate. This would clarify that a student pilot working with a flight instructor with a sport pilot rating could count that flight instruction time received toward the flight training requirements of a private pilot certificate. This would prevent student pilots who chose to transition from seeking a sport pilot certificate to a private pilot certificate from having to start over again with respect to the flight-training requirement.

AOPA would also like the FAA to consider and research the benefits of increasing the maximum gross weight and V_H of light sport aircraft (LSA). The weight and speed

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increase would allow many existing small one and two seat aircraft to fall under the LSA category. For example, a Cessna 150 at 1600 pounds could qualify as an LSA. The Cessna 150 has been used for years as a primary training aircraft and is known for its ease of handling. The general aviation community has years of experience flying aircraft such as the Cessna 150 and would be better able to draw upon extensive type specific experience when training new sport pilots if the make and model of LSA was expanded to include more existing aircraft.

Additionally, an increase in the maximum gross weight would allow for the use of additional safety equipment, such as ballistic recovery parachutes. Increasing the maximum gross weight would also allow for more engine options on existing light sport aircraft giving aircraft owners and manufactures more options to select from and removing engine weight as a primary concern.

Summary

AOPA believes that the majority of the proposed changes will help ease the burden of regulatory compliance and clarify the regulations pertaining to sport pilots. AOPA has serious concerns about removing the privilege of authorized flight instructors to perform proficiency checks, as this will introduce a huge barrier of entry into the sport pilot training system. AOPA believes removing this privilege goes against the intent of sport pilot which is to make access to small general aviation aircraft easier for pilots who intent to fly recreationally.

Sincerely,



Melissa Rudinger
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