



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

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Dear Sirs,

I would like to follow up on our discussion on July 14, 2021, to clarify some of the misunderstandings associated with obtaining a Letter of Deviation Authority (LODA) for flight training in certain aircraft that hold special airworthiness certificates, as well as the scope of the FAA's policy statement in the Federal Register on July 12 (FRN) and our stance on compliance.

As I noted during the meeting, the FAA supports specialized training for owners and those who regularly fly these aircraft. Unfortunately, the agency's previous guidance to its inspectors on how to issue LODAs was inconsistent with the requirement of the regulations and

inappropriately attempted to carve out an exception from the regulatory requirement. The FAA issued the FRN to provide clarity – as you requested in your letters to the Administrator – and to outline a process to enable aircraft owners to obtain a LODA quickly and efficiently.

The FAA is issuing LODAs at a steady pace, and the process is being monitored daily. We understand your concern that this process is merely a paperwork exercise. It is our position that the LODA process will enhance safety by precisely defining which flight training operations may be conducted legally. Equally important, it will prevent operators from broadly offering their aircraft for joyrides and other similar experiences under the guise of “flight training.”

While the agency continues to receive numerous inquiries raising a variety of disparate scenarios unrelated to the issue of compensated flight training, I want to stress that this was the lone issue addressed in the FRN and that we do not believe it is necessary to address each possible scenario. I encourage you to convey to your membership the limited scope of this issue and that it is unnecessary to seek clarification on its broader applicability to unrelated activity.

To be clear, the FAA has no plans to surveil owners who receive flight training in their experimental, limited, or primary category aircraft — or the flight instructors who provide that training. If the FAA receives a complaint or we learn about possible noncompliance of the regulations of the terms of the LODA or exemption issued for those requirements, Flight Standards will conduct an investigation. We plan to use compliance action to work with owners or flight instructors who violate the regulations or terms of a LODA. However, should we learn the violation was intentional or reckless or the result of an unwillingness or inability to comply, we will pursue legal enforcement action.

I appreciate your advocacy for your membership and look forward to working with you to ensure the smooth conclusion of this process.

Sincerely,

Mark W. Bury
Acting Chief Counsel