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

**Re: Docket No. FAA-2007-29291 Review of Existing Regulations**

The Aircraft Owners and Pilots Association (AOPA), representing more than 414,000 members, or two-thirds of the nation's general aviation pilots, submits the following comments to the Federal Aviation Administration's (FAA) request for comments on Review of Existing Regulations published in the Federal Register on Thursday, November 15, 2007.

AOPA's recommended changes, which are listed below, represent productive regulatory changes that would benefit the pilot population and ensure an equivalent level of safety as that established by the existing set of regulations. To devise a list of constructive regulatory changes AOPA reviewed the commonly asked questions received from our membership of active general aviation pilots and aircraft owners. The AOPA staff also compared the requirements of the existing regulations to pilot operating privileges and recent advancements in technology to see if the current set of regulations are appropriate.

**Proposed Changes to 14 CFR Part 61 – Certification: Pilots, Flight Instructors, and Ground Instructors**

**Driver's License Medical for Pilots Exercising Recreational Pilot Privileges**

*AOPA recommendation:* AOPA recommends that the FAA eliminate the requirement that pilots hold a valid FAA medical certificate when exercising the privileges of a recreational pilot certificate. Instead the FAA should permit the use of a valid and current U.S. driver's license in lieu of an FAA medical certificate when exercising these privileges.

AOPA recommends that 14 CFR Part 61.23 (a)(3)(ii) which states, "When exercising the privileges of a recreational pilot certificate;" be deleted. AOPA also recommends that 14 CFR Part 61.23(a), be modified to include "A valid and current U.S. driver's license is required when exercising the privileges of a recreational pilot certificate."

Current regulation: Currently, under federal aviation regulation (FAR) 61.23, titled Medical certificates: Requirements and duration, the FAA specifies that any pilot exercising the privileges of a recreational pilot certificate “must hold at least a third-class medical certificate.”

Rationale for change: For recreational pilot privileges, AOPA members strongly support the use of a valid and current U.S. driver’s license in lieu of an FAA medical certificate. Safety is assured because the privileges of the recreational pilot are limited to allow only for daytime, visual flight rule (VFR) operations that are non-commercial. Recreational pilots may only carry one passenger at a time, cannot act as PIC of flights that exceed 50 nautical miles from the departure point, and are limited to aircraft with a 180hp or smaller engine.

Safety of flight is further assured as all pilots, whether they hold a valid FAA medical or not, are required to adhere to the limitations outlined in FAR 61.53, titled Prohibition on operations during medical deficiency. FAR 61.53 clearly states that pilots cannot act as pilot in command or as a required crew member if “that person knows or has reason to know of any medical condition that would make the person unable to operate the aircraft in a safe manner.” This provision would apply to recreational pilots flying with a current and valid driver’s license in lieu of an FAA issued medical certificate.

A valid U.S. driver’s license establishes an acceptable minimum medical standard for the recreational pilot. Applicants are generally required to attest to a basic level of health and meet a minimum vision standard.

An analysis of the AOPA Air Safety Foundation Accident and Incident database reveals an extremely low number, 1.9 percent, of accidents have any medical factors contributing to the accident. Also, accidents caused by medical incapacitation were not attributable to conditions that could have been uncovered or predicted by a medical examination.

Even the FAA, in its sport pilot final rule, said "medical conditions are not a significant cause of accidents in aircraft that are used for sport and recreational purposes."

The FAA should take the next logical step and extend the "driver's licensed medical" to pilots exercising recreational pilot privileges.

## **Proposed Changes to 14 CFR Part 91 – General Operating and Flight Rules**

### **IFR Approach Certified GPS Unit as a Sole Source of Navigation**

AOPA recommendation: AOPA recommends that an IFR approach certified GPS unit with a current database be allowed as a sole source of navigation on flights under IFR.

Current regulation: Currently, the FAA requires that aircraft equipped with an instrument flight rules (IFR) certified GPS unit also be equipped with an “approved and operational alternate means of navigation appropriate to the flight.” (AIM 1-1-19 (d)(1)(b)) This requirement is discussed in the Aeronautical Information Manual (AIM) and outlined in the installation guidance provided with individual GPS units. *Operationally*, this means that aircraft equipped with an IFR certified GPS unit also are equipped with a VOR. The redundancy is required in case the GPS unit loses a reliable GPS signal. If this happened the pilot would get a receiver autonomous integrity monitoring (RAIM) warning alerting them to a possible GPS error and the pilot would be expected to revert to their backup navigation system.

Under the existing regulations a pilot could fly an aircraft equipped with an IFR certified GPS unit on an IFR flight plan from York, PA (KTHV) to Front Royal, VA (KFRR). Over the eighty-eight mile flight in non-radar airspace the pilot could use GPS as primary navigation and backup the navigation with a VOR, as currently required. Neither the York nor Front Royal airports have a VOR or localizer approach. In instrument meteorological conditions (IMC) the pilot on this flight would fly a stand-alone GPS approach and the IFR certified GPS unit would be the only means of navigation on that approach. For this flight the required redundancy is only for the enroute portion - when safety of flight would not immediately be jeopardized by an interruption in GPS coverage.

Rationale for change: As pilots initially adjusted to the new satellite-based navigation system, and there were fewer satellites in orbit, backup navigation systems were necessary. However, with improvements in the GPS satellite signal and stated assurances from the Department of Transportation (DOT) that GPS satellite coverage will continue, the *requirement* for redundancy serves more as a requirement and less to ensure the safety of flight in the event a GPS satellite is providing incorrect information.

Confidence in the existing GPS system has been shown by the ever increasing number of FAA approved stand-alone GPS and RNAV approaches in the United States. According to the FAA, there are well over 4,000 WAAS and stand-alone GPS approaches providing access into 2,000 plus airports in the United States. Ground-based navigation systems, such as VOR, do not serve as a backup on these approaches. The level of confidence expressed through the lack of FAA required backup navigation systems on stand-alone GPS approaches should be extended to the enroute environment.

At this point in time the existing GPS system provides an adequate level of safety for enroute operations and does not necessitate a backup navigation system. In the highly unlikely event that enough GPS satellites are down due to maintenance, or other factors, to compromise the GPS system a notice to airmen could be issued limiting aircraft equipped solely with an IFR GPS to visual flight rules (VFR) until all system satellites are back on line.

### **Additional Operational Test Methods for VORs**

AOPA recommendation: AOPA recommends that under 14 CFR Part 91.171, titled VOR equipment check for IFR operations, a VOR check against a certified IFR GPS unit with a current database be allowed. AOPA also recommends that the current 30-day test interval be lengthened to coincide with a regularly scheduled maintenance interval such as a progressive, 100-hour or annual inspection.

Current regulation: 14 CFR Part 91.171, titled VOR equipment check for IFR operations, lists the appropriate test methods for ensuring that a VOR is accurate and legal to use under IFR. In order to be used for IFR flight a VOR must have been checked within the preceding 30 days and found to be “within the limits of the permissible indicated bearing error” listed in FAR 91.171. The prescribed methods currently include testing a VOR while on the ground using a VOR system check point or test signal, checking dual VOR systems against each other, or using a prominent landmark that lies along the centerline of a VOR airway.

Rationale for change: With over twenty-five percent of U.S. registered aircraft currently equipped with an IFR certified GPS unit there are more VOR operational testing methods available to pilots and aircraft owners. AOPA proposes that VOR checks made against an IFR certified GPS unit with a current database be an acceptable test method under FAR 91.171. This test could be accomplished by selecting and centering a radial to a VOR station using the VOR installed in the aircraft and selecting a “direct to” course to the same VOR station on the GPS unit.

Allowing pilots and aircraft operators to test a VOR against an IFR certified GPS unit with a current database may improve the accuracy of the VOR check and may also allow the VOR to be tested more frequently by pilots. In cases where an aircraft is equipped with one IFR GPS unit and one VOR, the VOR could be checked on every flight as opposed to waiting to arrive at an airport with a VOR system test signal or test point or checking the VOR against a landmark along a VOR airway while in flight.

AOPA does recognize that not all GPS units offer the same user interface and that this test procedure would be new for most pilots. For these reasons AOPA recommends that guidance material be published in the Aeronautical Information Manual to aid pilots who wish to take advantage of this testing procedure.

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### Summary

The association recommends that the FAA review and adopt AOPA's proposed changes to 14 CFR Part 61 and Part 91. The regulatory changes discussed above offer pilots an equivalent or higher level of safety than the current standards outlined in the existing regulations. Part 61 outlines the airmen certification standards and Part 91 sets forth the operational "rules of the road" for pilots and aircraft equipment. These sets of regulations need to be reviewed periodically and modified to reflect appropriate standards based on regulatory defined pilot operating limitations and new technology.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Rudinger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melissa Rudinger  
Vice President  
Regulatory Affairs