

# SPORT PILOT – LIGHT SPORT AIRCRAFT



## Sport Pilot Rule Changes Finally Take Effect... Generally Positive Results Are Good News!

by Ed Leineweber

**F**ive and a half years after the Sport Pilot/Light Sport Aircraft rules went into effect, giving birth to a new movement in general aviation, the first changes to these rules took effect on April 2, 2010. Taken together, the rule-making process just completed demonstrated that this new movement, while still in its infancy, is a healthy, growing child, and likely will continue to mature into a sturdy member of the aviation family, fulfilling in large measure the hopes of its creators, albeit through a series of slow, steady steps.

In all, the FAA originally proposed 22 changes. Following the comment period, and after taking into account the concerns expressed by the Experimental Aircraft Association (EAA) and others, the FAA modified or withdrew several of these proposals. A brief review of changes withdrawn and those finally enacted, organized by those affecting piloting, flight training, and Light Sport Aircraft (LSA) maintenance, will show the basis for my confident prediction that Sport Pilot/Light Sport Aircraft is a segment of aviation that is here to stay.

### Piloting Rule Changes

Most of the more significant action concerns the Sport Pilot Certificate and pilots with higher certificates who choose to exercise Sport Pilot privileges. And what was not finally adopted is as significant as those changes that did in the end make it into the Federal Aviation Regulations.

First and most importantly, the FAA's proposal to replace Sport Pilot privileges with aircraft category and class ratings was withdrawn by the agency in the face of resistance by EAA, which argued that no safety concerns had been demonstrated as to why the original system of adding privileges through proficiency checks and endorsements by flight instructors, was not adequate. The FAA ultimately agreed that the burden of revising the system was not worth the cost, but it remains concerned that there is not adequate documentation of airmen and their



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respective endorsements. Those holding Sport Pilot Certificates should go to the FAA Airmen Registry and verify that their current privileges for category and class are correct, and contact the FAA if they are not.

The FAA also backed off from its proposal that flight instructors no longer be authorized to conduct proficiency flight checks for the addition of category and class privileges to Sport Pilot Certificates, which would have required all such checks for additional ratings be performed by

Designated Pilot Examiners. Consistent with its decision to withdraw the proposal to require category and class ratings discussed above, and facing EAA opposition for the same reasons expressed above, the agency agreed that, given the lack of safety concerns, the burdens of the change would not justify the cost. EAA had also argued that the current lack of Sport Pilot instructors and Designated Pilot Examiners for some aircraft categories and classes in many parts of the country, would have altered and severely impaired the original intent of the SP/LSA rules.

A consequence of the first two proposals being withdrawn was the withdrawal also of a related proposal which would have eliminated the need for Sport Pilots to carry their logbooks with them while in flight to demonstrate their category and class privileges. The original rule remains in effect, but EAA recommends that pilots carry copies of the relevant logbook endorsement entries, rather than the original records, in case the records are lost, destroyed or stolen while being carried by the Sport Pilot on his or her person or in the aircraft.

The FAA proposal, concurred by EAA, to remove the requirement that persons exercising Sport Pilot privileges have make and model endorsements in a specific set of aircraft (e.g. tailwheel, less than 87 knots Vh; tailwheel, more than 87 knots Vh; tricycle gear, less than 87 knots Vh, etc.) was adopted, finding that the now-repealed requirement was redundant of other training and proficiency checks. ("Vh" is defined by the FARs to be maximum speed in level flight with maximum continuous



Jesse Peckham

The Sport Pilot movement survived the recently-completed rule revision process with no major changes to the philosophy or structure of the original enactment, and even benefited from some of the changes, enabling the author (right) and his Sport Pilot student, Paul Peckham (left), to continue with their training activities in Paul's beautifully restored, but radio-less Piper J-3 Cub.

power.)

However, the agency also adopted, over EAA objections, a new regulation, which requires, apparently, that ALL pilots operating aircraft with a Vh of less than 87 knots receive training and an endorsement to operate such aircraft, if they don't already have such experience. Perhaps reacting to the early accident reports of pilots with higher pilot certificates and experience in heavier airplanes transitioning to very lightly wing-loaded Sport-Pilot eligible airplanes, the FAA did not believe that experience in faster airplanes would adequately prepare a pilot to operate a low-speed, high-drag airplane with a Vh of less than 87 knots without additional training. I suspect that aviation insurance companies probably agree.

In the opinion of EAA, this new requirement "effectively obliterated" this segment of aviation, since it will be prohibitively burdensome, it argues, to find an instructor with an airplane with a Vh of less than 87 knots in which to provide this training. Time will tell how this potentially significant change plays out in practice.

### **Flight Training Rule Changes**

Several significant changes, and withdrawal of proposed changes, pertain to Sport Pilot training activities, including those discussed already concerning administration of proficiency checks for additional Sport Pilot privileges, flight training in sets of aircraft, and flight training in aircraft with a Vh of less than 87 knots. Other important developments should also be mentioned.

In perhaps its most dramatic position reversal concerning Sport Pilot flight instructors, the FAA abandoned its proposal to place all flight instructors, including those with Sport Pilot flight instructor certificates

presently regulated under subpart K of Part 61, together in subpart H, where all other flight instructor certificates are regulated. The decision to not pursue this consolidation arose out of the decision to not pursue adopting category and class ratings for Sport Pilots, but to continue to issue additional privileges to those certificate holders through logbook endorsements. The unfortunate consequence of this outcome is that dual flight instruction received from a subpart K Sport Pilot flight instructor can only count toward the issuance of a Sport Pilot Certificate, and not to the eventual attainment of a higher pilot certificate.

A flight training issue that was confusing in the regulations before the recent rule-making process unfortunately remains unclear even after this process has been completed, and needs further FAA clarification. This is the issue of flight training on the control and maneuvering of an airplane solely by reference to instruments (i.e. basic instrument training). The FAA states that current regulations for the issuance of a Sport Pilot Certificate do not require such training, but FAR 61.93(e) (12) seems to suggest otherwise, although a minimum flight training time is not specified.

EAA points out that since the inception of the Sport Pilot rule, not a single fatal accident has been attributed to inadvertent flight into instrument meteorological conditions. Further, the FAA agrees that flight instructors with the Sport Pilot rating do not have the necessary instrument training to adequately train other pilots for flight by reference to instruments. Besides, many Sport Pilot-eligible aircraft do not have such instruments in the first place. Stay tuned for further developments, but do not expect such training to be required, except, perhaps, for airplanes with a Vh of more than 87 knots.

In a similar vein, the regulations have been modified to



Recent changes to the rules concerning maintenance of light sport aircraft allow owners to obtain Experimental Light Sport Aircraft (E-LSA) airworthiness certificates for aircraft originally certificated as S-LSAs, enabling them to perform their own maintenance, deviate from dictates of the manufacturers' maintenance manuals, and even perform their own condition inspections after attending a 16-hour course. Such aircraft can no longer, however, be used for flight training or rental.

make it clear that if an aircraft is not equipped with radios for VFR navigation and two-way communication, training in such procedures is no longer required.

Gone also is the requirement that flight instructors log at least five (5) hours of flight time in a make and model of light sport aircraft before providing flight training in any aircraft in the same set. While common sense dictates that a flight instructor be proficient and current in any aircraft in which he or she proposes to provide flight training, this change will reduce the financial burden on flight instructors and help to make Sport Pilot flight training more accessible.

Two final changes concerning flight training for the Sport Pilot Certificate are worth noting. First, the time required to be logged within two calendar months prior to the practical test, has been reduced from three to two. Second, aircraft with Special Light Sport Aircraft (S-LSA) airworthiness certificates may now be used in Part 141 flight schools. Both of these changes, while minor, should increase the availability of Sport Pilot flight training while potentially lowering its cost.

### **Light Sport Aircraft Maintenance Rule Changes**

Two changes concerning maintenance of Light Sport Aircraft are worth mentioning, especially given the problems being encountered in the field with on-going airworthiness of these aircraft caused by illegal or non-compliant maintenance procedures. First, and of greatest importance, the regulations have been changed to make it clear that aircraft originally issued S-LSA airworthiness certificates which have been downgraded to Experimental Light Sport Aircraft (E-LSA) by their owners, need not comply with the maintenance manuals and procedures prescribed by the manufacturers for S-LSAs.

In addition, converted E-LSA owners may now do their own maintenance, and perform the annual condition inspection with the 16-hour training and Light Sport Repairman Certificate with the "inspection" rating, rather

than requiring an A&P or Light Sport Repairman with the "maintenance" rating do the repairs and make the inspection, as was required when the aircraft held a S-LSA airworthiness certificate.

The second significant change for maintenance of S-LSAs requires owners and operators to retain a record of the current status of applicable safety directives issued by manufacturers. This will help ensure the continued airworthiness of these aircraft, and allow owners and operators to better track these directives and address some of the paperwork compliance issues that have been noted in earlier articles in this column.

### **Other Changes or Withdraw of Proposed Changes**

The changes discussed in this article are those felt to be of most significance to the most pilots, flight instructors and aircraft owners. Other action, either rule changes or withdraw of proposed changes, occurred which might have a big effect on some readers, especially those operating or providing flight training in powered parachutes and weight-shift controlled aircraft, or those flying in mountainous areas. If this might be you, be sure to look further into these additional items.

### **All In All, Not Too Bad!**

While the Sport Pilot/Light Sport Aircraft movement hasn't taken the world by storm, as some predicted, almost six years into this new era, no one can doubt that it is here to stay, has become an established segment of aviation in its own right, and will continue to grow and play an ever-larger role in the future. That the Sport Pilot rules have come through their first major review still substantially intact, with many actual improvements made, is additional proof of these facts. The basic design and philosophy of the Sport Pilot/Light Sport Aircraft concept has survived this major test with flying colors! □