



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

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

APR 27 2016

Chris Bennett
Southern California Soaring Academy, Inc.
24307 Magic Mountain Pkwy
Suite 513
Valencia, CA 91355

Re: Clarification of the Solo Endorsement Requirements of 14 C.F.R. §§ 61.31(d)

Dear Mr. Bennett:

This is in response to your email dated December 30, 2015, in which you raised three issues regarding the solo endorsement requirements of 14 C.F.R. § 61.31(d) and the flight review requirements of 14 C.F.R. § 61.56. First, you asked why a person who holds a sport pilot certificate or higher must meet the flight review requirements of § 61.56 in order to act as PIC of an aircraft in which he is undergoing training and for which he holds a solo flight endorsement under § 61.31(d). Second, you asked if an instructor may use a § 61.87(i) endorsement, which contains limitations and an expiration date, rather than a § 61.31(d) endorsement to solo a person who holds a sport pilot certificate or higher and who seeks to obtain an additional category or class rating. Third, you asked if an instructor could log the § 61.31(d) endorsement exactly the same as a § 61.87(i) endorsement.

Because of the express language of § 61.56, a person who holds a sport pilot certificate or higher and who seeks to obtain an additional category or class rating may not act as PIC of any aircraft, including an aircraft that he or she is undergoing training for and holds a § 61.31(d) endorsement for, without first complying with the flight review requirements of § 61.56. *See* Legal Interpretation to Mr. Daniel Beard (Jan. 9, 2013). We recognize that the practical application of § 61.56 results in disparate treatment between student pilots and pilots who hold higher level pilot certificates. Please be advised that any change to § 61.56 would require notice and comment rulemaking. We have referred this matter to the General Aviation and Commercial Division of the Flight Standards Service for consideration of a rulemaking change that would allow a person who holds a sport pilot certificate or higher to act as PIC of an aircraft for the purpose of accomplishing solo flight requirements for an additional category or class rating without accomplishing the flight review required by § 61.56.

In response to your second and third inquiries, an instructor may not give a person who holds a sport pilot certificate or higher a § 61.87 solo endorsement because “by its express language, subpart C to part 61 applies only to those persons who are seeking or hold a student pilot certificate.” *Legal Interpretation to Mr. Daniel Beard (Jan. 9, 2013)*. The regulations of 14 C.F.R., however, do not prohibit an instructor from placing limitations,

including an expiration date, in a § 61.31(d) solo endorsement. *See* 14 CFR § 61.195(d) (prescribing flight instructor limitations on endorsements).

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Katie Patrick, Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorelei Peter", with a stylized flourish at the end.

Lorelei Peter
Assistant Chief Counsel for Regulations

incoming request from Mr. Bennett

Powell, Ebony (FAA)

From: Young, Kim L (FAA)
Sent: Wednesday, February 03, 2016 10:50 AM
To: Powell, Ebony (FAA)
Subject: FW: Request Input; Solo endorsement requirement in other category

Please assign to Anne Moore
Kim L Young
Management & Program Analyst
Regulations Division, AGC-200
(202) 267-3073 office
(202) 267-7971 fax
Kim.L.Young@faa.gov

From: Bury, Mark (FAA)
Sent: Wednesday, February 03, 2016 10:15 AM
To: Young, Kim L (FAA)
Subject: FW: Request Input; Solo endorsement requirement in other category

Was this logged in and assigned?

Mark W. Bury
Deputy Chief Counsel for
Regulations and Enforcement, AGC-3
Tel: 202-267-3073
Fax: 202-267-7971

From: Chris Bennett [mailto:ChrisBennett@fastmail.us]
Sent: Wednesday, December 30, 2015 5:53 PM
To: Bury, Mark (FAA)
Subject: Request Input; Solo endorsement requirement in other category

Dear Mr. Bury,

I am writing to you regarding a January 9, 2015 response from you (prepared by Anne Moore, an attorney in the International Law, Legislation, and Regulation Division of the office of the Chief Counsel), concerning FAR section 61.31(d) solo endorsement requirements, for additional category and/or class ratings.

Here is a link to your January 9, 2015 communication: [https://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/Interpretations/data/interps/2015/Beard%20-%20\(2015\)%20Legal%20Interpretation.pdf](https://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/Interpretations/data/interps/2015/Beard%20-%20(2015)%20Legal%20Interpretation.pdf)

This legal interpretation states in summary; *a certified pilot must have a current flight review in their present category, to be eligible to solo in another category, that this pilot is currently training in and seeking a rating in.*

I manage a glider flight school and it is common for power pilots to be out of currency when they begin training to add-on a glider rating. I would like your legal team's input regarding a possible alternate legal solution to the currency matter at issue in FAR 61.31(d) regarding category.

As the FAR states, a student pilot that holds a valid student pilot certificate, and also a private single engine land (SEL) pilot, that has not had a flight review within the past 24 months, both receive identical training in gliders in all 19 items listed in FAR 61.87(i), and both must have demonstrated satisfactory proficiency and safety, as judged by an authorized instructor, on the maneuvers and procedures required by section 61.87 in the make and model of the aircraft or similar make and model of the aircraft to be flown.

As per the FAR's, at the end of training 61.87(i)1-19, the student pilot is eligible to solo a glider but the equivalent private SEL pilot(non current) is not.

My question is, if both a student pilot who holds a valid student pilot certificate, and a certified pilot, out of currency both receive identical ground and flight training in the glider category, what is the rationale process behind why the certified pilot is required to hold a current flight review to solo a glider?

I recognize that there are two different solo endorsements, one endorsement for student pilots, and a different specific endorsement for transitioning pilots, and both endorsements have different language and limitations. I am assuming that the reason for the current flight review requirement is the lack of limitations for the transitioning pilot solo endorsement.

A few facts to consider regarding this issue as related to glider training and solo requirements are;

- a) The FAA allows 14yr old student pilots, who hold a valid student pilot certificate, to solo a glider pending training as per 61.87(i)1-19. However, a certified private SEL with an expired flight review, who has upwards of 40 hours of flight experience and is at least 19 years old, with identical glider training as per 61.87(i)1-19 still cannot solo a glider.
- b) If that same private SEL pilot surrenders his private certificate to the FAA, he could then apply and receive a student pilot certificate and then be eligible legally to solo a glider, pending training as per 61.87(i)1-19.
- c) If that same private SEL pilot receives a flight review, he is then eligible to solo a glider, but the FAR's do not require this pilot to hold a current medical for solo eligibility.

I understand there are legal interpretations that sometimes conflict with practical interpretations and practices, such as this situation regarding glider training or perhaps training in another category. In the event of an unfortunate happening, the legal interpretation is what counts.

Attached below are solo glider endorsements for both the student pilot and transitioning certified pilot. As you can see the language for a transitioning pilot endorsement is very minimal, leaving the transitioning pilot and that pilot's instructor a very wide amount of latitude regarding the pilot's solo privileges and limitations.

The solo endorsement for the private SEL transitioning pilot **does not require** an expiration date, nor a maximum crosswind component, nor reference to received training as per FAR 61.87(i) 1-19, nor reference a maximum demonstrated crosswind, nor proficiency in applicable maneuvers nor must conduct flight within the gliding range of the take-off point. So in theory, once endorsed for solo, the transitioning pilot can fly solo

in a glider anytime, anywhere without limitations, in any type glider and in any weather conditions as long as he holds a current flight review, for the duration of his pilot certification.

The solo endorsement for the student pilot contains language to strictly limit the privileges of that newly soloed student pilot.

To address this specific FAR at issue, inspectors at our local FSDO have recommended a solution; pilots surrender their certificate and then obtain their student certificate. This practice, although it gets around the legal requirement of the FAR in question, does not solve the problem or contribute to a safer student pilot or flying environment.

Several experienced examiners have suggested a possible alternate solution in contrast to those of our local FSDO which is: *Use the solo student endorsement, with all limitations and restrictions, for the non-current transitioning rated pilot.*

If the non-current certified SEL pilot seeks training in another category, such as gliders, and is ready to be soloed, would it be legal to solo that private SEL pilot by using the more restrictive solo endorsement used for the student pilot?

This student solo endorsement requires training and logging of all items in 61.87(i) and removes the open latitude and privileges of the transitioning certified pilot solo endorsement, by limiting that solo pilot, as described in the language of the student endorsement below. Especially if training is identical and logged as such.

On another note, certified pilots exclusively demonstrate better airmanship skills and situational awareness when training (in gliders), regardless of currency, as compared to a zero time student pilot.

As a practical matter it may not be possible for the non-current transitioning pilot to obtain a flight review, due to location or economic factors, yet adding a glider rating contributes to improving individual airmanship skills. That same pilot may be permanently disqualified from ever flying again.

I understand that a private or commercial certificate is not a student certificate; however, my question is—For a non-current pilot, if the training and solo endorsement is logged exactly the same as a student's endorsement, would that satisfy the legal requirement for solo?

It seems that would be reasonable and defensible solution in contrast to surrendering a pilot certificate in exchange for a student certificate, which is only a paper shuffle, that does not make anyone any safer.

Your input in this matter is greatly appreciated.

Best Regards,

Chris Bennett
(310) 800-4760 cell

THE STUDENT PILOT

Pre-Solo Flight Training – FARs 61.31(j) and 61.87 (c)

(Aerotow)

I certify that M _____ has received the instruction required by FAR 61.31(j) and FAR 61.87(c) and (i) in a (Glider Type) and that he has satisfactorily accomplished ground and flight training in aerotow procedures and operations and proficiency therein, has demonstrated proficiency in the applicable maneuvers and procedures included in FAR 61.87(i), and has demonstrated adequate knowledge of flight rules listed in FAR Part 91 and is competent to make safe solo flights in that glider; provided that each such flight is carried out when the surface wind (steady or gusting) does not exceed ___ kts and the crosswind component does not exceed ___ kts. This approval is valid for the ___ days immediately following this endorsement and provided such flights are conducted entirely within gliding range of the takeoff point.

Note: Ground and Self-Launch endorsement samples are found in the "Additional Endorsements" section of this publication.

90 Day Proficiency – FAR 61.87(l)

I certify that M _____ has received the instruction required by FAR 61.87 and he has met the requirements of FAR 61.87(c) and (i) for solo flight and is competent to make safe solo flights in a (Glider Type).

Note: CFIG may add limits such as weather conditions and expiration of endorsement.

THE TRANSITION PILOT

Glider Category Additional Rating Endorsement to act as Pilot in Command during Solo Operations – FAR 61.31(d)(2)

I certify that M _____ has received flight instruction in the pilot operations required for first solo in a (Glider Type) and find him competent to solo that glider.

Note there is no time limit in FAR 61.31(d)(2), which also clearly states that this pilot "must - be receiving training for the purpose of obtaining an additional pilot certificate and rating that are appropriate to that aircraft and be under the supervision of an authorized