



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

Office of the Chief Counsel  
800 Independence Ave., SW.  
Washington, DC 20591

DEC 19 2017

Mr. Thomas D. Letts  
[REDACTED]

Re: Request for Legal Interpretation Regarding the Operation of  
an Aircraft Equipped with an Inoperative Rotating Beacon

Dear Mr. Letts:

This letter responds to your August 11, 2017 request for a legal interpretation of the provisions of § 91.205(b)(11) of Title 14, Code of Federal Regulations (14 CFR). In your request you ask whether a Cessna 172, equipped with a red rotating beacon and white strobe lights, may be operated using only the white strobe lights if the red rotating beacon is inoperative, placarded as "INOP," and the appropriate entry has been made in the aircraft logbook.

As you reference § 91.205(b)(11) in your request, the FAA assumes that the proposed operation will be conducted under Visual Flight Rules (VFR) day conditions. Additionally, we note that whether you can operate the aircraft under these conditions also requires consideration of the provisions of the operating rules specified in 14 CFR §§ 91.213 and 91.209.

The general instrument and equipment requirements for standard category powered U.S. civil aircraft are set forth in 14 CFR § 91.205(a) which states that:

*General.* Except as provided in paragraphs (c)(3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b) through (f) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA-approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

The specific instrument and equipment requirements for flight under VFR day conditions are set forth in § 91.205(b). Paragraph (b)(11) of that section addresses the requirement for anticollision light systems and states that:

For VFR flight during the day, the following instruments and equipment are required: . . . (11) For small civil airplanes certificated after March 11, 1996, in accordance with part 23 of this chapter, an approved aviation red or aviation white anticollision light system. In the event of failure of any light of the anticollision light system, operation of the aircraft may continue to a location where repairs or replacement can be made.

The current provisions of § 91.205(b)(11) became effective on March 11, 1996 (61 FR 5158; February 9, 1996). Prior to that date, an anticollision light system was only required if certification for night operations was requested. Based on the information you provided, the FAA is not able to conclusively determine whether the provisions of current § 91.205(b)(11) apply to your particular aircraft. If your aircraft was certificated on or before March 11, 1996 an anticollision light system is not required for VFR day operations. If your aircraft was certificated after March 11, 1996, either an aviation red or aviation white anticollision system would be required. That system would need to meet the airworthiness standards for anticollision light systems specified in 14 CFR § 23.1401.<sup>1</sup>

In discussing whether an aircraft's rotating beacon and strobe lights are part of the same anticollision light system, the January 11, 2011 letter from Rebecca MacPherson, Assistant Chief Counsel for Regulations, to Mr. Daniel Murphy included with your request states that:

The airworthiness standard that governs the need for an airplane to have an anticollision light system, 14 C.F.R. § 23.1401(a)(1), states that "[t]he airplane must have an anticollision system that . . . consists of one or more approved anticollision lights . . ." Because the strobe light and the rotating beacon are both approved anticollision lights under § 23.1401(a)(1), they are both part of the same anticollision system.

Accordingly, the FAA considers the aircraft's rotating beacon and strobe lights to be part of the aircraft's anticollision light system. As § 91.205(a) specifies that the instruments and equipment required by that section be "in operable condition" both the rotating beacon and strobe lights would need to be operable for the requirements of § 91.205 to be met.

Section 91.213(d), however, permits a person to operate an aircraft under Part 91 with inoperative instruments and equipment without an approved Minimum Equipment List (MEL) subject to certain limitations. Paragraph(d)(2)(i) of that section specifies that the inoperative instruments "must not be part of the VFR-day type certification instruments and equipment prescribed in the applicable airworthiness regulations under which the aircraft was type certificated." Whether your aircraft could be operated with an inoperative anticollision system solely under the provisions of that paragraph would depend on whether the anticollision light system was part of the VFR-day type certification of the aircraft. Additionally, for an operation to be conducted with the inoperative equipment in accordance

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<sup>1</sup> The airworthiness standards for anticollision light systems previously contained in 14 CFR § 23.1401 were revised in the Final Rule, *Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes* (81 FR 96572; December 30, 2016) and are now addressed in 14 CFR § 23.2530.



with the provisions of § 91.205(d), the inoperative equipment also must not be indicated as required on the aircraft's equipment list, or on the Kinds of Operation Equipment List for the kind of flight operation being conducted; required by § 91.205 or any other part 91 rule for the specific flight operation being conducted; or required to be operational by an airworthiness directive.

Although you do not specifically refer to 14 CFR § 91.209(b) in your request, you should note that § 91.209(b) specifies that no person may "operate an aircraft that is equipped with an anticollision light system, unless it has lighted anticollision lights."<sup>2</sup> These provisions were adopted concurrently with the revisions to § 91.205(b) requiring aircraft certificated after March 11, 1996 to be equipped with an approved anticollision light system for VFR day operations.

The preamble to the notice proposing this rule (59 FR 37620; July 22, 1994) specifically recognizes the safety benefits of the proposal and notes that "requiring operation of anticollision lights during day operations would increase the airplane's conspicuity and contribute to a reduction in the number of accidents." The preamble to the final rule (61 FR 5151; February 9, 1996) further explained the rule by stating that "[p]roposed new § 91.209(b) would require that airplanes equipped with an anticollision light system be operated with the anticollision light system lighted during all types of operations except when the pilot determines that, because of operating conditions, it would be in the best interest of safety to turn the lights off." In response to one commenter who specifically noted that "this change would affect an aircraft's dispatch capability" and questioned "why an airplane that is perfectly capable of being flown should be grounded from daytime flight because something, such as a lamp, is defective" the FAA stated that:

The FAA agrees that there will be incidents where an airplane will be temporarily grounded from daylight operations until a failure in the light system can be repaired. However, the additional safety cue provided to pilots by operating anticollision light systems will outweigh the cost of maintaining the light system." (61 FR 5158; February 9, 1996).

Accordingly, operation of an aircraft using only the aircraft's strobe lights after placarding its red rotating beacon as inoperative and making an entry in the aircraft logbook would not be permitted unless such action is authorized by a waiver.<sup>3</sup>

This response was prepared by Paul Greer, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division

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<sup>2</sup> The aircraft anticollision lights, however, are not required to be lighted if the pilot-in-command determines that it would be in the interest of safety to turn the lights off.

<sup>3</sup> Section 91.903 states that "[t]he Administrator may issue a certificate of waiver authorizing operation of aircraft in deviation from any rule listed in this subpart if the Administrator finds that the proposed operation can be safely conducted under the terms of that certificate of waiver." Section 91.905 lists § 91.209 as a rule that is subject to waiver.

(AFS-300) of the Safety Standards Office of the Flight Standards Service. If you need further assistance you may contact us at (202) 267-3073.

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, AGC-200

Lorelei A. Peter  
Assistant Chief Counsel  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

11 August 2017

Ms. Peter

I have been struggling with how 14 CFR Part 91.205 reads, and I need an FAA legal interpretation. This has to do with "Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements" regulation. Looking at 91.205(b)(11) it states that "For small civil airplanes certificated after March 11, 1996, in accordance with part 23 of this chapter, **an approved aviation red or aviation white anti-collision light system**. In the event of failure of any light of the anti-collision light system, operation of the aircraft may continue to a location where repairs or replacement can be made". The sentence that states "An Approved Aviation Red or Aviation White Anti-collision Light System", means something different to me than to others. I read this, as you may have a Red Rotating beacon or a White Strobe light. So then, either one will satisfy 91.205(b)(11).

***A Cessna 172 that has both systems (strobe light as well as a rotating beacon), if the rotating beacon becomes INOP before the flight, is the PIC able to use the strobes lights as the required anti-collision light as long as the rotating beacon has been placard "INOP" and an airframe log book entry has been made?***

I have read the interpretation the FAA provided Mr. Daniel Murphy, on January 11, 2011, and it states, "The airplane must have an anti-collision system that consists of one or more approved anti-collision lights. Because the strobe light and the rotation beacon are both approved anti-collision lights under 23.1401(a)(1), they are part the same anti-collision system". This interpretation of the regulation still does not answer the following questions:

As long as I have one or both anti-collision lights, I am compliant under 91.205. If I do have both anti-collision systems installed on the aircraft and one becomes INOP, am I still legal to fly as long as I mark the inoperative anti-collision light as INOP and make a entry in the airframe logbook? With only one or the other anti-collision system working this will satisfy 91.205(b)(11)?

I look forward to hearing back from you in the next few months

Regards



Thomas D. Letts

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[Redacted]  
[Redacted]  
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