

“DRAFT”

NOTICE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

N 8900.A115

National Policy

Effective Date:
XX/XX/XX

Cancellation Date:
XX/XX/XX

SUBJ: LODA A115, Letter of Deviation Authority for Conducting Flight Training in Experimental Category Aircraft (14 CFR Part 91, § 91.319(h))

1. Purpose of This Notice. This notice provides revised guidance for Federal Aviation Administration (FAA) Flight Standards District Offices (FSDO) and aviation safety inspectors (ASI) assigned to operators conducting aircraft operations under Title 14 of the Code of Federal Regulations (14 CFR) part 91. This notice amends the A115 template for operators conducting flight training in experimental category aircraft under part 91, § 91.319(h). This is a mandatory change to Letter of Deviation Authority (LODA) A115.

2. Audience. The primary audience for this notice is FAA FSDOs and ASIs assigned to operators conducting aircraft operations under part 91. The secondary audience includes Flight Standards Service (AFS) divisions and branches in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA’s Web site at <http://fsims.faa.gov>. The public can find this notice at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. Changes in FAA Order 8900.1 and the publication of a new advisory circular (AC) have led to related changes to the part 91 LODA A115 template. These changes are a response from the National Transportation Safety Board (NTSB) and General Aviation Joint Steering Committee (GAJSC) to discuss policy proposals for experimental amateur-built aircraft due to their increasing fatality rate. Additionally, efforts to streamline and simplify the process of receiving and issuing a LODA have been incorporated after industry and AFS ASI input.

5. Updated Policy.

a. Order 8900.1. The FAA has updated the following Order 8900.1 sections:

(1) Volume 3, Chapter 11, Section 1, Use of Aircraft Issued Experimental Certificates in Flight Training for Compensation or Hire.

(2) Volume 3, Chapter 18, Section 3, Part A Operations Specifications—General, LODA A115.

b. Advisory Circular (AC). AC 91-LODA, Application and Issuance Process for a Letter of Deviation Authority Issued in Accordance with Title 14 of the Code of Federal Regulations Part 91, Section 91.319, has been published.

6. Guidance. The sample LODA A115 template in Appendix A applies to part 91.

7. Explanation of Key Changes.

a. Order 8900.1, Volume 3, Chapter 18, Section 3, LODA A115. This section has updated information on completing the LODA template. Broad make, model, and series (M/M/S) categories (e.g., HOME-KIT-KIT and EXHIB-EXPER-DOM) have been removed and the aircraft listing has been populated with aircraft from the current and previously issued LODAs. ASIs should find the aircraft under the “Experimental” category.

(1) ASIs should choose “Experimental” for the “Manufacturer” under “Aircraft Information” to find the aircraft.

(2) In the “Aircraft Authorizations” section, add “Experimental Training” to the aircraft authorizations to identify the aircraft as being used for conducting flight training in experimental category aircraft.

b. Owners or Operators. Owners or operators of aircraft issued Experimental Certificates under 14 CFR part 21, § 21.191(i) are no longer eligible for a LODA after January 31, 2010, per § 91.319(e)(2). Most Experimental Light-Sport Aircraft (ELSA) have been removed from the aircraft listing. However, those certificated under experimental amateur-built (E-AB) remain.

(1) ELSA issued certificates under § 21.191(i)(1) are not eligible for LODA A115 issuance.

(2) Per § 91.319(e), an aircraft issued an Experimental Certificate under § 21.191(i)(2) or (3) may not be used for flight training, and thus are not eligible for consideration.

(3) No currently-issued LODAs will be renewed, nor will previously issued LODAs be valid for an aircraft issued an Experimental Certificate under § 21.191(i)(1), (2), or (3).

8. Action. Compliance with this notice is mandatory for existing, new issuance, and revisions to current holders of LODA A115. ASIs responsible for operators affected by the policy in this notice should review the revised guidance for the issuance of LODAs contained in this notice. ASIs should provide this notice to the operators for whom they are responsible, alerting them to updated LODA requirements, as well as changes to the regulatory experimental certification basis and purpose of training. This reissuance is mandatory, with a compliance date of 120 calendar-days from the HQ control date of the templates in the Web-based Operations Safety System (WebOPSS). ASIs must review the updated policy referenced in subparagraphs 5a and 5b of this notice. ASIs should use the Job Aid for LODA A115 Application Evaluation (Figure 3-341) located in Order 8900.1, Volume 3, Chapter 11, Section 1 when reissuing

LODAs. Order 8900.1, Volume 3, Chapter 18, Section 3 references additional information for ASIs when reissuing the LODA A115. The LODA A115, Order 8900.1 policies, and the standards outlined in AC 91-LODA are designed to be consistent.

9. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions concerning the information in this notice to the General Aviation and Commercial Division (AFS-800) at 202-267-1100.

John S. Duncan
Director, Flight Standards Service

Appendix A. Sample LODA A115, Letter of Deviation Authority for Conducting Flight Training in Experimental Category Aircraft: 14 CFR Part 91, § 91.319(h)

**Letter of Deviation Authority
Deviation Authority for Conducting Flight Training in Experimental Category Aircraft
(14 CFR Part 91, § 91.319(h))**

1. The holder of this Letter of Deviation Authority (LODA holder), [Operator Name], is authorized this LODA in accordance with the provisions of Title 14 of the Code of Federal Regulations (CFR) part 91, § 91.319(h) to the extent necessary to receive compensation for the use of the aircraft certificated in the experimental category to conduct specialized flight training. This specialized flight training must be conducted in accordance with the limitations and provisions of this LODA.
2. Authorized Aircraft and Training Program(s). The LODA holder is authorized to use the following certificated experimental aircraft for the specialized flight training program(s) as listed in Table 1 below:

Table 1 – Authorized Certificated Experimental Aircraft and Training Programs

A/C Reg. No.	A/C Serial No.	A/C M/M/S	Regulatory Experimental Certification Basis	Purpose of Training	*
[from data in WebOPSS]	[from data in WebOPSS]	[from data in WebOPSS]	[select one] 21.191(a) 21.191(c) 21.191(d) 21.191(f) 21.191(g) 21.191(h)	[Ability to select multiple selections from list]	

Table Field	Field Type	Acceptable Values
A/C Reg. No.	Drop Down List	Filled in from Operator Aircraft (based on "Experimental Training" aircraft authorization assigned)
A/C Serial No.	Drop Down List	Filled in from Operator Aircraft (based on "Experimental Training" aircraft authorization assigned)
A/C M/M/S	Drop Down List	Filled in from Operator Aircraft + Free Text, taken from airworthiness certificate (based on "Experimental Training" aircraft authorization assigned)

Table Field	Field Type	Acceptable Values
Regulatory Experimental Certification Basis	Drop Down List	21.191(a) Research and Development 21.191(c) Crew Training 21.191(d) Exhibition 21.191(f) Market Surveys 21.191(g) Operating Amateur-Built Aircraft 21.191(h) Operating Primary Kit-Built Aircraft
Purpose of Training	Drop Down List + Text Box	Transition Training Ultralight Training Jet Unusual Attitude and Upset Training Experimental Aircraft Authorization Instrument Competency Flight Review Formation Training Endorsement Add-on Gyroplane Training Sport Pilot Training in Aircraft with $V_H \leq 87$ KCAS AFS-800 Approved: [enter any other purpose of training not on the above list when approved by AFS-800]

3. Aircraft Inspection and Maintenance. The following conditions and limitations for aircraft inspection and maintenance apply to the aircraft authorized in Table 1. The aircraft in Table 1 have:

a. Completed Phase I flight testing and are operating in Phase II in accordance with the operating limitations made a part of the airworthiness certificate issued for the aircraft.

b. Been granted an Experimental Certificate in accordance with the provisions of the appropriate regulatory basis, as noted in Table 1 of this LODA.

c. Been inspected in accordance with one of the following:

(1) An FAA-approved inspection program that includes provisions for ensuring continued airworthiness and recording time remaining on life-limited parts in accordance with the manufacturer's instructions.

(2) The provisions of § 91.409(b) for a 100-hour condition inspection for ensuring continued airworthiness and recording time remaining on life-limited parts in accordance with the manufacturer's instructions.

(3) For turbine-powered or large aircraft, an FAA-approved inspection program that meets the scope and detail of the requirements of § 91.409(e), (f)(4), and (g) for ensuring continued airworthiness and recording time remaining on life-limited parts in accordance with the manufacturer's instructions.

d. Had all aircraft inspections and maintenance record entries performed by only an FAA-certificated mechanic with airframe and powerplant ratings, a certified repairman with the appropriate qualifications for the subject aircraft, or a certified repair station (CRS).

e. If the aircraft is equipped with operational ejection seats and systems, such systems have been rigged, maintained, and inspected in accordance with the manufacturer's recommendations.

4. Operating Limitations. The LODA holder must operate the aircraft in accordance with the operating limitations made a part of the experimental airworthiness certificate, except for those limitations modified by this LODA.

5. Training Requirements.

a. LODA Holder.

(1) The use of aircraft-specific flight and ground training outlines is required for the training authorized by this LODA in Table 1, above.

(2) No demonstration flights are authorized.

(3) The LODA holder must keep a record of the training given for a period of 36 calendar-months from the completion date of the training. A flight instructor must sign the student's training records certifying that the training was given and a student must sign receiving the flight training. The training record must include the following:

(a) The name, signature, and certificate number (if applicable) of the trainee;

(b) The name, signature, and certificate number of the instructor;

(c) The date trained; and

(d) The purpose of training received.

(4) Records of training must be made available for inspection by the administrator, upon request.

b. Persons Receiving Training. The LODA holder must verify that persons to whom it provides training in an experimental aircraft meet the following requirements:

(1) Hold at least a Sport, Recreational, Private, Commercial, or Airline Transport Pilot Certificate with the appropriate category and class ratings for the training aircraft. With the exception of jet unusual attitude and upset training, if required for the type of aircraft to be flown, the person receiving training must also hold either an appropriate type rating or a letter of authorization (LOA) to act as pilot in command (PIC). In addition, sport pilots must hold at least the appropriate category and class privileges, rating, or endorsements required by 14 CFR part 61.

(2) For flight training leading to the original issuance of a Sport Pilot Certificate or a Sport Pilot Certified Flight Instructor Certificate in a gyroplane issued a Special Airworthiness Certificate under 14 CFR part 21, § 21.191(g), pilots receiving training are not required to meet the requirements of subparagraph 5(b)(1). However, for training leading to an endorsement for additional sport pilot privileges, the pilot receiving training must have a Sport Pilot Certificate.

(3) For flight training leading to the original issuance of a Sport Pilot Certificate or a Sport Pilot Certified Flight Instructor Certificate or endorsement in an aircraft with a maximum speed in level flight with maximum continuous power (V_H) less than or equal to 87 knots Calibrated Airspeed (CAS) (part 61, § 61.315(c)(14)(ii)), pilots receiving training are not required to meet the requirements in subparagraph 5(b)(1). However, for training leading to an endorsement for additional sport pilot privileges, the pilot receiving training must hold at least a Sport Pilot Certificate.

(4) For flight training to operate an ultralight vehicle, the person receiving training is not required to meet the requirements of subparagraph 5(b)(1). However, if the flight training includes a solo flight segment, this does not relieve the person receiving training from the requirements of part 61 subpart C—Student Pilots.

(5) Persons receiving training leading to the issuance of an Experimental Aircraft Authorization do not need to meet the requirements of subparagraph 5(b)(1). However, persons receiving training must hold, at minimum, a Private Pilot Certificate with a category and class certificate appropriate to the aircraft being flown.

(6) Persons receiving training must have received all necessary endorsements, as required per § 61.31, appropriate to the training aircraft. If the training provided is towards accomplishing the endorsement(s) required under § 61.31, the persons receiving training must hold the appropriate category and class rating, as well as any endorsement required but not being provided through the training program. Also, persons receiving training have demonstrated a need for this training. Eligible trainees include, but are not limited to, current and prospective aircraft builders, purchasers, test pilots, and qualified additional pilots under the Additional Pilot Program (APP). The LODA holder has verified that the aircraft used for training must have similar handling qualities and flight characteristics to the aircraft being built, flown, or considered by the trainee in order to be eligible. Singular demonstration flights are prohibited. Endorsements being provided that have not been authorized through this LODA are prohibited.

(7) Persons receiving instrument competency training must have an instrument rating in the appropriate category and class.

(8) Persons receiving training in an aircraft equipped with operational ejection seat(s), whether armed or not armed, must have satisfactorily completed training using an ejection seat training program in accordance with the current edition of AC 91-87, Ejection Seat Training Programs, within the past 24 calendar-months before receiving training in that make and model of aircraft, when conducted under the LODA.

c. Flight Instructors. Instructors providing training programs authorized in Table 1 must:

(1) Hold an FAA-issued Instructor Certificate appropriate to the aircraft and the flight training to be conducted, or be otherwise authorized to conduct flight training in the specific aircraft.

(2) Hold an appropriate category and class, and meet the requirements of § 61.31, type rating requirements, additional training, and authorization requirements, if applicable, for the aircraft used for training.

(3) Meet any additional instructor qualifications specified by the LODA holder in the LODA application and training program requirements.

(4) Be authorized by the LODA holder to provide instruction in accordance with this LODA.

(5) When conducting spin and upset training (rotorcraft excepted), the instructor must observe a minimum safe recovery altitude for the maneuver that is being conducted. Instructor pilots must be cautioned not to penetrate this minimum recovery altitude while performing upset maneuvers and training.

6. Responsible Person. The Responsible Person for training may be a person who is a U.S. citizen, or holds a U.S. pilot certificate, and accepts responsibility for complying with the stated regulations by signing this document.

a. If the Responsible Person signing this LODA relinquishes responsibility, this LODA becomes invalid.

b. Enter the name, email address, and telephone number in Table 2 of the Responsible Person signing this LODA.

Table 2 – Responsible Person

Name	Email Address	Telephone Number
[LOAD name of "Resp Person-91J Training"]	Text box	Text box

7. Amendments to this LODA. Any changes or additions to this LODA require submission of the request to the issuing Flight Standards District Office.

8. A copy of this LODA must be carried on board the aircraft during flight training conducted under this LODA.

9. This LODA is not transferable.

10. Failure to comply with any portion of this LODA will be considered a noncompliance and may result in cancellation by the Administrator.