

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.727

National Policy

Effective Date:
12/13/24

Cancellation Date:
12/13/25

SUBJ: Termination of LODAs Issued Under 14 CFR § 91.319(h) and Introduction of New LODA Regulation 14 CFR § 91.326(b)

1. Purpose of This Notice. This notice announces changes to regulations and guidance related to flight training, checking, and testing in aircraft holding experimental and limited category Airworthiness Certificates. This notice also informs inspectors of a revision to the A115 template in the Web-based Operations Safety System (WebOPSS) for all current Letter of Deviation Authority (LODA) holders operating experimental aircraft. This notice also provides a letter template to be used by the responsible Flight Standards office as formal notification to all LODA A115 holders. This notice announces revised Federal Aviation Administration (FAA) Order 8900.1, Volume 3, Chapter 11, Section 1, Issue a Letter of Deviation Authority to Conduct Flight Training, Checking, or Testing for Compensation or Hire in Aircraft Issued Limited Category or Experimental Airworthiness Certificates, guidance associated with this revision to LODA A115. Finally, this notice provides additional information related to the issuance of new LODAs for current LODA holders.

2. Audience. The primary audience for this notice includes General Aviation Safety Assurance (GASA) Operations aviation safety inspectors (ASI). The secondary audience includes GASA Airworthiness ASIs and the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background.

a. Title 14 of the Code of Federal Regulations (14 CFR) §§ 91.315 and 91.319(a) generally prohibit a person from operating a limited category or experimental aircraft carrying persons or property for compensation or hire. Historically, 14 CFR § 91.319(h) authorized the FAA to issue deviation authority in the form of a LODA for the purpose of flight training in experimental aircraft. Similarly, the FAA has granted exemptions for the purpose of flight training in limited category aircraft. Because 14 CFR § 91.326(b) now provides a regulatory pathway to offer flight training, checking, and testing in limited category aircraft, an exemption is no longer necessary. On October 2, 2024, the FAA revised 14 CFR §§ 91.315 and 91.319(a) and (h) (as well as other parts of 14 CFR § 91.319) and published new 14 CFR § 91.326. These changes reflect new

requirements for issuance of a LODA for flight training, checking, and testing in experimental and limited category aircraft. LODA A115 and Order 8900.1, Volume 3, Chapter 11, Section 1 are completely revised. Inspectors must not rely on previous templates or guidance for compliance with the new regulation.

b. Aircraft with Special Airworthiness Certificates (e.g., limited category and experimental aircraft) pose unique risks, as they do not meet the same design, build, and maintenance requirements of aircraft with Standard Airworthiness Certificates. Generally, the FAA does not issue LODAs for activities that can be accomplished in aircraft holding Standard Airworthiness Certificates, with certain exceptions. Therefore, under new 14 CFR § 91.326, LODAs may only be issued for certain types of flight training, checking, and testing, and with specific limitations.

5. Changes to Regulations. The FAA's final rule, with an effective date of December 2, 2024, amends the operating rules for conducting flight training, checking, and testing in limited category and experimental aircraft. Newly adopted 14 CFR § 91.326(b) replaces former 14 CFR § 91.319(h) and establishes the requirements to apply for a LODA to conduct flight training, checking, and testing for compensation or hire in limited category and experimental aircraft, and establishes new conditions and limitations to conduct such operations.

a. Limited Category Aircraft. Likewise, 14 CFR § 91.315 was revised to direct limited category aircraft operators to 14 CFR § 91.326 if they intend to conduct flight training, checking, or testing. Operators who hold a flight training exemption for limited category aircraft must apply for a new LODA, as those exemptions will remain valid until their expiration dates but will not be renewed. Holders of exemptions for flight training in limited category aircraft will receive a separate letter from the Operations Group (AFS-830) informing them of this requirement. (These changes to regulations do not affect Living History Flight Experience (LHFE) exemption holders.)

b. Experimental Aircraft. Title 14 CFR § 91.326(d) includes a mandatory "sunset" or termination date for all LODAs issued under 14 CFR § 91.319(h). To continue flight training, checking, or testing in an experimental aircraft after December 1, 2026, current LODA holders must submit a new application in accordance with the requirements set forth in 14 CFR § 91.326(b). Inspectors must inform all current LODA holders of the mandatory termination date and new application requirements using the template provided in this notice. Flight Standards (FS) offices should encourage stakeholders to reference Advisory Circular (AC) 91-94, Application and Issuance Process for a Letter of Deviation Authority Issued in Accordance With 14 CFR § 91.326, when preparing their application for a LODA. Guidance for issuance of a LODA in Order 8900.1, Volume 3, Chapter 11, Section 1 has been completely revised according to the recent regulatory updates.

6. Valid Flight Training Purpose. Current LODA holders must send a complete application package, including a training program that meets the requirements of the new rule. This may require modifications to current training programs including removal of certain elements that may no longer be permissible under the new rule. Inspectors must ensure that all new applications (including those from current LODA holders) are in compliance with 14 CFR § 91.326. Inspectors must evaluate the training program to ensure it is for a valid flight training purpose. Eligible training programs are discussed in Order 8900.1, Volume 3, Chapter 11,

Section 1, Subparagraph 3-299Q, Eligible Programs, and AC 91-94, Table 2, Acceptable Training Programs. The National Transportation Safety Board (NTSB) has identified accidents related to exploitation of 14 CFR § 119.1(e) exceptions by carrying revenue passengers for purposes other than student instruction or training flights. LODAs must not be issued to enable sightseeing or joy rides under the guise of flight training.

7. Experimental Aircraft Airworthiness Certificates and Operating Limitations. When evaluating an application package (for current LODA holders and new applicants), FS offices must also review the operating limitations that were issued as part of the experimental aircraft Airworthiness Certificate. Previous LODAs contained a provision that effectively granted relief from the aircraft operating limitations. This relief is no longer provided within the new LODA template. If the Airworthiness Certificate contains operating limitations that would preclude LODA operations, the applicant must apply for an amended Airworthiness Certificate. For example, some Airworthiness Certificates contain an operating limitation that states, “Carriage of persons or property for compensation or hire is prohibited.” If operating limitations contain this or similar prohibitions, the Airworthiness Certificate will need to be amended prior to issuance of a LODA under 14 CFR § 91.326. LODAs will not be issued for aircraft that contain this or similar prohibitive language in the aircraft operating limitations.

8. Revision to A115. The A115 template in WebOPSS has been completely revised (see Appendix B). Inspectors must not reissue a new A115 unless the applicant (including current LODA holders) has submitted a new, complete application in accordance with 14 CFR § 91.326(b) and the inspector has reviewed it in accordance with the revised Order 8900.1, Volume 3, Chapter 11, Section 1. Inspectors may not amend, issue, or reissue the old A115 (HQ Revision: 00a) for any reason. Holders of the old A115 (HQ Revision: 00a) are authorized to operate in accordance with that LODA until December 1, 2026. If those LODA holders have not applied for and been issued a new LODA in accordance with 14 CFR § 91.326(b), their LODA will terminate on December 1, 2026.

9. Action.

a. Notify LODA Holders. Notify all current LODA holders using the letter template in Appendix A, Notification of Termination of LODA Template. Record the activity in the Safety Assurance System (SAS) using Activity Recording (AR) activity code 1222.

(1) For the “National Use” field, select “LODA” from the dropdown list.

(2) For the “Location” section, enter the location of the operation (airport identifier).

(3) For the “Personnel and Equipment” section, select “Add New Personnel” and input the name of the Responsible Person.

(4) For the “Other” section, enter “Notification” in the “Tracking” field.

b. Process LODA Applications. Starting on December 2, 2024, process all new LODA applications in accordance with Order 8900.1, Volume 3, Chapter 11, Section 1 utilizing the new A115 template.

10. Disposition. This notice will expire on December 13, 2025. However, it will be renewed to ensure its applicability until expiration of the regulatory termination date of December 1, 2026. Direct questions or comments concerning the information in this notice to the AFS-830 manager at 9-AFS-800-Correspondence@faa.gov.



Robert M. Ruiz for
Lawrence Fields
Executive Director, Flight Standards Service

Appendix A. Notification of Termination of LODA Template

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

[Date]

[Name]

[Title]

[Street Address]

[City, State, ZIP Code]

Dear [Name]:

Effective December 1, 2026, your Letter of Deviation Authority (LODA) to conduct flight training in experimental aircraft will terminate in accordance with Title 14 of the Code of Federal Regulations (14 CFR) § 91.326(d)(4).

On October 2, 2024, the FAA published a final rule with an effective date of December 2, 2024. This final rule amends the operating rules for conducting flight training, checking, and testing in limited category and experimental aircraft. Newly adopted 14 CFR § 91.326(b) replaces former 14 CFR § 91.319(h) and establishes the requirements to apply for a LODA to conduct flight training, checking, and testing in experimental and limited category aircraft, and establishes new conditions and limitations to conduct such operations.

Title 14 CFR § 91.326(d) includes a mandatory “sunset” or termination date for all LODAs issued under 14 CFR § 91.319(h). To continue flight training, checking, or testing in an experimental aircraft after December 1, 2026, current LODA holders must submit a new application in accordance with the requirements set forth in 14 CFR § 91.326(b). You may reference Advisory Circular (AC) 91-94, Application and Issuance Process for a Letter of Deviation Authority Issued in Accordance With 14 CFR § 91.326, when preparing your application. Current LODA holders are encouraged to submit an application in a timely manner to avoid interruption of operations.

Current LODA holders must send a complete application package in accordance with the new rule. This may require modifications to current training programs including removal of certain elements that may no longer be permissible under the new rule. In accordance with 14 CFR § 91.326(b)(6), eligible training programs are discussed in AC 91-94, Table 2, Acceptable Training Programs. The NTSB has identified accidents related to exploitation of 14 CFR § 119.1(e) exceptions by carrying revenue passengers for purposes other than student instruction or training flights. LODAs will not be issued to enable sightseeing or experience rides under the guise of flight training.

Please note, current LODA holders and new LODA applicants must carefully review the operating limitations that were issued as part of their aircraft Airworthiness Certificates. Previous LODAs contained a provision that effectively granted relief from the aircraft operating limitations. This relief is no longer available under the new LODA process. If the Airworthiness Certificate contains operating limitations that would preclude LODA operations, you must apply for an amended Airworthiness Certificate prior to applying for the LODA. For example, some Airworthiness Certificates contain an operating limitation that states, “Carriage of persons or property for compensation or hire is prohibited.” If operating limitations contain this or similar prohibitions, the Airworthiness Certificate will need to be amended prior to issuance of a LODA under 14 CFR § 91.326. LODAs will not be issued for aircraft that contain this or similar prohibitive language in the aircraft operating limitations.

Should you have any questions or require further assistance, please do not hesitate to reach out to our office at [contact information].

Sincerely,

[Signature]

[Name]

[Title]

Appendix B. Sample LODA A115, Deviation Authority for Conducting Flight Training, Flightcrew Member Checking, or Flightcrew Member Testing in Limited Category or Experimental Aircraft (14 CFR Section 91.326(b)): 14 CFR Part 91

1. The operator listed at the bottom of this document is authorized by this Letter of Deviation Authority (LODA) in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.326(b) to provide flight training in a limited category or experimental aircraft in accordance with the limitations and provisions of this LODA.

2. Aircraft and Authorized Training Programs. The operator is authorized to use the following approved aircraft and training programs:

Table 1 – Aircraft and Training Programs

A/C Reg. No.	A/C Serial No.	A/C M/M/S	Aircraft Certification Basis	Authorized Training Program(s)

3. Conditions and Limitations.

a. The operator must use the aircraft-specific flight and ground training program for the training authorized by this LODA. Demonstration flights, discovery flights, experience flights, and other flights not related to the training program are not authorized.

b. As appropriate to the aircraft being flown, all trainees must hold category and class ratings; a type rating, Authorized Experimental Aircraft authorization, or temporary Letter of Authorization (LOA); and endorsements listed in 14 CFR part 61, § 61.31 with the following exceptions:

(1) Persons receiving gyroplane training or training leading to the initial issuance of a sport pilot or sport pilot instructor certificate in an aircraft with maximum speed in level flight $V_H \leq 87$ Knots Calibrated Airspeed (KCAS) are not required to hold category or class. For training leading to an endorsement for additional sport pilot privileges, the pilot receiving the training must hold at least a sport pilot certificate with appropriate category and class privileges, and endorsements issued under § 61.31.

(2) Persons with a specific need to receive training toward the issuance of an endorsement are not required to hold the § 61.31 endorsement sought. Any endorsements being provided must be authorized in Table 1.

(3) Persons receiving jet unusual attitude and upset recovery training, limited category type rating training, or authorized experimental aircraft authorization training, if required for the type of aircraft being flown, are not required to hold the applicable type rating, authorized experimental authorization rating, or a temporary LOA prior to the commencement of training.

(4) For ultralight-style training, the person receiving training is not required to meet category, class, or § 61.31 endorsement requirements. 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. This training is limited to a low mass, high drag aircraft with an empty weight less than 650 pounds and a maximum speed in level flight with maximum continuous power less than 87 KCAS.

c. If the aircraft is equipped with ejection seats and systems, such systems must be rigged, maintained, and inspected in accordance with the manufacturer's recommendations. Before providing training in aircraft equipped with operable ejection systems, whether armed or not armed, all aircraft occupants must complete a course of ejection seat training.

d. When conducting spin and upset training, the operator must maintain a minimum recovery altitude of 6,000 feet above ground level unless the Administrator authorizes a lower altitude.

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

f. The operator holder must keep a record of the training given for a period of 36 calendar months from the completion date of the training. The authorized instructor must sign the trainee's flight training records certifying that the flight training was given. When ground training is provided, the person administering the ground training must sign the record. The training record must include the following:

- (1) The name and certificate number (if applicable) of the trainee;
- (2) The name, signature, and certificate number of the instructor;
- (3) The date trained;
- (4) The training received; and
- (5) The trainee's specific need for training, if applicable.

g. Notwithstanding 14 CFR part 43, § 43.1(b) or § 91.409(c)(1), all aircraft must:

(1) Except for turbine-powered or large aircraft, within the preceding 100 hours of time in service, have received an annual, 100-hour, or condition inspection equivalent to the scope and detail of part 43 appendix D and been approved for return to service in accordance with part 43. The 100-hour limitation may be exceeded by not more than 10 hours while en route to reach a place where the inspection can be done. The excess time used to reach a place where the inspection can be done must be included in computing the next 100 hours of time in service; or

(2) Except for turbine-powered or large aircraft, be inspected in accordance with an FAA-approved inspection program that includes provisions for ensuring continued airworthiness and recording the current status on life-limited parts and in accordance with the manufacturer's instructions.

(3) For turbine-powered or large aircraft, be inspected in accordance with 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.

h. Notwithstanding any exception due to the experimental airworthiness certification of the aircraft, operators with experimental aircraft must comply with FAA Airworthiness Directives (AD) applicable to any corresponding make or model aircraft holding a different type of Airworthiness Certificate or applicable to any article installed on the aircraft. The operator must evaluate the aircraft and its articles to determine if compliance with the FAA AD is necessary for the continued safe operation of the aircraft. The operator must keep a maintenance record entry of those FAA ADs evaluated. For those FAA ADs for which the operator/LODA holder determined compliance was necessary for the continued safe operation of the aircraft, the record must also include the method of compliance, and if the FAA AD requires recurring action, the time and date when the next action is required.

i. Except as provided in this subparagraph, no person other than the authorized instructor, designated examiner, person receiving flight training or being checked or tested, or persons essential for the safe operation of the aircraft may be on board during operations conducted under the deviation authority. Notwithstanding any operating limitation applicable under § 91.9(a) that prohibits the carriage of passengers for compensation or hire, up to two persons enrolled in a LODA training course for the same aircraft may observe the flight training from an observer seat, provided carriage of those persons is not prohibited by any other regulation. The observation must take place from a forwardmost observer seat with an unobstructed view of the flight deck.

j. The Administrator may limit the types of training, testing, and checking authorized under this deviation authority. Training, testing, and checking under this deviation authority must be conducted consistent with the training program submitted for FAA review.

4. Responsible Person. The Responsible Person for this authorization is listed in Table 1 of LOA A001 (revision 02c or later).