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FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE

[14 CFR PART 61 [New]]
(Notice No. 63-22; Docket No. 1798)

NOTICE OF PROPOSED RULE MAKING

Student Pilot Instrument Flight Instuction and Flight Instructor Privileges and Limitations

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 61 [New]. This proposal would permit a student pilot to make solo flights within a local area before he receives instrument flight instruction and thereby provide greater flexibility in the student's training program. It would also specifically require a certificated flight instructor to find that the student pilot meets the regulatory prerequisites for solo or solo cross-country flight before the instructor may endorse the student's certificate for that kind of flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before July 23, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Amendment 61-2, published in the Federal Register on March 1, 1963 (28 F.R. 2003) and effective May 2, 1963, transferred the student pilot presolo instrument flight instruction rule from §61.85 to §61.63. The purpose of this transfer was to clarify the rule's applicability and meaning, as had been proposed in Draft Release 62-4 (27 F.R. 1073). Persons commenting on the proposal addressed themselves primarily to the substance of the rule rather than to the proposed clarification. Although these comments were not directly responsive to the proposal, the Agency recognized them as appropriate matter for consideration. Accordingly, while issuing the needed clarification, the Agency has proceeded to re-evaluate the requirement for instrument instruction prior to any solo flight.

There appears to be disagreement among experienced and knowledgeable persons, including flight instructors and pilots, as to the desirability of requiring instrument instruction before solo. However, whatever the point of view, a general agreement exists that the relationship of the flight instructor to his student is a very personal one, that the progress of a student can in fact be measured best by his instructor, and that the judgment of the instructor as to the capacity of his student and as to the time the student would most benefit from instrument instruction must be given great weight. Finally, we have found little disagreement with the requirement that the issue of a private pilot certificate be conditioned upon some minimum instrument capacity; disagreement being focused essentially upon the time when the instrument instruction should begin in the educational process rather than whether it should be given at all.

With these considerations in mind, the Agency has explored various alternatives to the present requirement, all based on the decision that instrument instruction is necessary at some time before issuance of a private pilot certificate. Certain phases in the progress of a student pilot's training stand out as times when instrument instruction might most logically begin. One is that of the present rule, prior to any solo. Another is prior to the student's first solo flight beyond the local area. A third is the period following the latter flight.

The desirability of adopting the third alternative is questionable. The benefits to be derived from student pilot instrument instruction are generally enhanced by its early integration with other flight instruction. These benefits will in part be lost if the instrument instruction is not given until the later stages of pilot training.

This leaves the alternatives of the present rule and a change to require that instrument instruction be given before the first solo cross-country flight. We have concluded that the present rule might not provide for enough flexibility in the student pilot's training curriculum. The certificated flight instructor is in an excellent position to know when his student should be introduced to instrument flight. He is able to evaluate the particular student's progress, capabilities, and needs. This approach would allow the instructor to make an independent judgment as to the appropriate time for such an introduction—either before or after local solo flight. The benefits of integrated flight instruction would be preserved, perhaps even enhanced, by relying on the flight instructor to introduce instrument flight instruction at a time more tailored to the individual student's needs. Accordingly, it is proposed to amend Part 61 [New] to require only that instrument instruction be given before solo-country flight rather than before any solo flight. If adopted this change would be accomplished by deleting the instrument instruction requirement in §61.63(a)(2) and placing it in §61.65.

The review of the student pilot instruction requirements has also revealed a need to clarify the intent of §61.177(a) which limits the flight instructor's privilege of endorsing student pilot certificates for solo and solo cross-country flight. This section does not now specifically require the instructor to find that the student meets all the regulatory requirements for either kind of flight before making the endorse-

ments. As the regulations given instructors the authority to permit or prohibit solo and solo cross-country flight, it is considered necessary that there be no doubts as to the nature and limitations of this authority, and that the regulations clearly spell out the conditions to be met by both the student and the instructor. Accordingly we propose to amend §61.177(a) to require the flight instructor to determine that the student meets the regulatory prerequisites for solo or solo cross-country flight, as the case may be, before he may endorse the student's certificate.

In consideration of the foregoing, it is proposed to amend Part 61 [New] of the Federal Aviation Regulations (14 CFR PART 61 [New]) as follows:

1. By inserting a semicolon after the word "glides" in paragraph (a)(2)(i) of §61.63 and striking out the phrase "by both visual reference outside the airplane and by referring solely to flight instruments;".

2. By striking out the last sentence of paragraph (a) of §61.63.

3. By revising the parenthetical expression in paragraph (b) of §61.65 to read "(from a holder of a flight instructor certificate with an airplane rating)".

4. By striking out the word "and" in paragraph (b)(5) of §61.65 and by inserting a new paragraph (b)(7) to read as follows:

§61.65 *Airplane operations: flight area limitations.*

* * * * *

(7) Level flight, turns, climbs and glides by referring solely to flight instruments; and

5. By adding a sentence at the end of §61.65 reading as follows:

"The instrument flight instruction required by paragraph (b)(7) of this section shall be given in an airplane equipped with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight."

6. By revising paragraph (a) of §61.177 to read as follows:

§61.177 *Limitations.*

(a) A flight instructor may endorse the certificate of a student pilot for solo or solo cross-country flights only if he determines that the student has complied with §61.63 or §61.65, as applicable, and is otherwise able to make such flights. He may endorse the certificate of a student pilot for flight in a different make or model of aircraft only if he determines that the student can make the flight safely.

The amendment is proposed under the authority of sections 313(a), 601 and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1422).

Issued in Washington, D.C., on June 14, 1963.

Director,
Flight Standards Service.