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

Office of the Chief Counsel

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

FEB 2 2009

Mr. William P. Rourke
[redacted]

Dear Mr. Rourke:

This is in response to your request for an interpretation of Title 14 of the Code of Federal Regulations (14 CFR) 91.205(d), which sets forth the instrument and equipment requirements for powered civil aircraft with standard category U.S. airworthiness certificates. Specifically, you question whether a non-TSO electronic flight display[1] meets the requirements of § 91.205(d) for instrument flight rules operations in an aircraft with special airworthiness certificates. You also include two references to an article from the Experimental Aircraft Association regarding the provisions of 91.205 with respect to aircraft with a special airworthiness certificate.

Paragraph (a) of § 91.205 provides that, "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 paragraph (or FAA-approved equivalents) for that type of operation, and those instrument and items of equipment are in operable condition." (Emphasis added.) This section specifically addresses aircraft with standard category airworthiness certificates and does not apply to aircraft with a special (experimental) airworthiness certificate.

We do, however, direct you to § 91.9, which requires any person operating a civil aircraft to comply with the aircraft's operating limitations. FAA policy governing the issuance of experimental amateur-built operating limitations specifically addresses your reference to an EAA article about homebuilt aircraft and § 91.205. Under this policy[2], the FAA may impose any additional limitations deemed necessary in the interest of safety. Paragraph 153(b)(8) of this order specifically is included in the operating limitations for any experimental amateur-built aircraft and provides as follows:

> "After completion of phase I flight testing, unless appropriately equipped for night and/or instrument flight in accordance with § 91.205, this aircraft is to be operated under VFR, day only."

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[1] You suggest a non-TSO flight display such as those manufactured by Dynon Electronic, Blue Mountain Avionics.

[2] FAA Order 8130.2F Change 3.

Lastly, you question whether § 91.205 requires equipment that meets specific technical standard orders (TSO).

Paragraph (a) of that section provides that the aircraft must contain the instrument and equipment specified in the applicable paragraphs or FAA-approved equivalent for that type of operation and those instrument and items of equipment are in operable condition. For amateur built aircraft, there are no FAA-approved equivalents. In order for an experimental airworthiness certificate to be issued under 14 CFR § 21.191(g) for an amateur-built aircraft, the FAA must find that the aircraft complies with acceptable aeronautical standards and practices.[3] You should contact the Flight Standards District Office for your geographic area for further information concerning specific non-TSO electronic flight displays and amateur-built aircraft with an experimental airworthiness certificate.

I trust this information responds to you inquiry. This response has been coordinated with the Flight Standards Service. If you have any questions concerning this response, please contact Ms. Lorelei Peter at 202-267-3134.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulation

[3] See FAA order 8130.2F, CHG 3, Section 9, Experimental Amateur-Built Airworthiness Certifications.