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

Office of the Chief Counsel

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

NOV 14 2012

Allen J. Fitch
[redacted]

Dear Mr. Fitch,

This is in response to your email message of July 18, 2012 requesting clarification for an Airline Transport Pilot (ATP) practical test for both Airplane Single-engine Land (ASEL) and Airplane Single-engine Sea (ASES). Specifically, you ask (1) if a practical test may be administered for ATP: ASES and ASEL using a visual flight rules (VFR) seaplane for seaplane operations and a suitable landplane for all other required instrument tasks, and (2) if both practical tests (ATP: ASEL and ASES) may be administered using an amphibious airplane that meets the aircraft requirements of the applicable regulations and the practical test standards.

In your email, you stated that you currently hold, in part, an ATP certificate with Airplane Multi-engine Land (AMEL) and Airplane Multi-engine Sea (AMES) ratings and Commercial Pilot privileges with ASEL and ASES ratings. You stated you wish to take both practical tests to upgrade your ASEL and ASES ratings to the ATP level, and that you have access to a single-engine landplane that meets the requirements for an ATP practical test, and a single-engine seaplane that is not equipped for instrument flight.

Title 14 C.F.R. § 61.45(a)(1)(i) states, in relevant part, that ". . . an applicant for a certificate or rating issued under this part must furnish (1) An aircraft of U.S. registry for each required test that—(i) Is of the category, class, and type, if applicable, for which the applicant is applying for a certificate or rating . . . ." Additionally, the aircraft required for a practical test must have "[t]he equipment for each area of operation required for the practical test" and no operating limitations that would prohibit its use in any of the areas of operation required for the practical test. 14 C.F.R. § 61.45(b)(1)(i)-(ii) . Under 14 C.F.R. § 61.45(b)(2), if an applicant for a certificate or rating uses an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test, the applicant's certificate or rating will be issued with an appropriate limitation.

Based on the information you provided, the ATP ASES and ASEL practical tests may not be administered under the conditions you described in your first question, without resulting in an appropriate limitation on your rating in accordance with 14 C.F.R. § 61.45(b)(2). An ASES using a VFR only seaplane, and using a second IFR capable ASEL does not meet the requirements of 14 C.F.R. § 61.45(a)(1)(i) and § 61.45(b)(1)(i) and (ii) because it does not contain the equipment for each area of operation required for the practical test. Specifically,

it does not contain the equipment required to perform instrument procedures during the ATP ASES practical test. A VFR only seaplane is the correct class for which the applicant is applying for a certificate rating (ASES) but is not equipped or qualified to operate as an instrument flight rules (IFR) aircraft. Additionally, using the ASEL to perform the instrument requirement for the practical test for ATP: ASES is not acceptable because the ASEL is not the correct class for an ATP: ASES practical test. However, both practical tests may be administered for ATP: ASEL and ASES using an amphibious airplane, as long as that airplane is certificated and maintained in accordance to regulation as an ASEL and ASES amphibious airplane.

I hope this information has been helpful. This interpretation has been coordinated with the Flight Standards Service, General Aviation and Commercial Division and Regulatory Support Division. If you have further questions concerning this interpretation, please contact Sabrina Jawed on my staff at 202-267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for International
Law, Legislation and Regulations