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

MAY 21 2015

James McHenry
[redacted]

Re: Legal Interpretation of Part 61, Concerning Student Pilot Solo Endorsements and Associated Limitations

Dear Mr. McHenry:

This letter responds to your January 14, 2015, request for a legal interpretation. In your letter, you ask several questions related to student pilot endorsements, with a particular focus on the interplay between a student pilot's solo endorsements and solo cross-country endorsements. Your questions are (1) if a student has both solo and solo-cross country logbook endorsements, each with a different wind limitation, whether the student is "obligated to comply with the most restrictive limitation"; (2) if a student's solo and cross-country endorsements are each from a different instructor, whether the student is considered to have two "active" flight instructors; (3) what type of endorsement is required for solo flight in certain, specific situations; and (4) whether a student's cross-country flight instructor must re-administer a student pilot's aeronautical knowledge test before renewing the student's solo endorsement. Finally, you ask (5) whether a flight instructor can be liable for the actions of a student pilot who exceeds the wind limitations on the instructor's endorsement. For the reasons described below, the answer to your questions is that any limiting endorsement in a student's logbook remains valid until it expires or is superseded by a subsequent endorsement, and that any properly qualified flight instructor may revise the limitations on a student's logbook endorsement by issuing the student a new solo logbook endorsement. Furthermore, in most cases, a flight instructor is not liable under FAA regulations when a properly trained student, acting outside the instructor's control, violates the limitations on the student's solo endorsement. In light of the number of regulations and issues involved, it is useful to begin our analysis with a brief introduction.

Sections 61.87 and 61.93 of Title 14 of the Code of Federal Regulations (14 CFR) state the solo and solo cross-country flight requirements, respectively, for student pilots. Among other things, these sections describe the training and endorsements a student pilot must receive from an authorized flight instructor. Section 61.87(b) requires, among other things, that a "student pilot must demonstrate satisfactory aeronautical knowledge" in a knowledge test covering certain minimum areas. Section 61.87(c) requires, briefly stated, that a student pilot must have logged flight training in the make and model of aircraft to be flown, and demonstrated a proficiency and safety in the aircraft, as judged by an authorized instructor. Section 61.87(n), in pertinent part, requires a student pilot, as a prerequisite to solo flight, to receive a solo endorsement from an authorized instructor on the student's pilot certificate, as well as a solo endorsement in the student's logbook within 90 days before the flight. Finally, § 61.87(p) describes the requirements or limitations placed on an *instructor*, stating

that "[n]o instructor may authorize a student pilot to perform a solo flight unless that instructor has," among other things, "[g]iven that student pilot training in the make and model of the aircraft, . . . [d]etermined the student pilot is proficient and the [necessary] maneuvers and procedures," and "[d]etermined the student pilot is proficient in the make and model of aircraft to be flown . . . ."

Section 61.93(b) & (c) describe the requirements for solo *cross-country* flight, and the overall structure of the regulation is similar in many ways to § 61.87.
Section 61.93(a)(2) & (3) require a student pilot, among other things, to receive certain ground and flight training in the make and model of aircraft to be flown.
Section 61.93(c)(1) & (2) require a student pilot to have endorsements on his or her pilot certificate and logbook. In addition to cross-country-specific training, § 61.93(b)(iii) requires, as a prerequisite to solo cross-country flight, that a student must have "a solo flight endorsement in accordance with § 61.87 . . . ." In other words, to conduct a solo cross-country flight, a student pilot must have both the *solo* flight endorsements, required by § 61.87, and the *solo cross-country* endorsements required by § 61.93.

As you suggest in your request for interpretation, an authorized flight instructor endorsing a student pilot's logbook may also attach limitations restricting the student's operations. Section 61.89(a), in pertinent part, states that a student pilot "may not act as pilot in command of an aircraft . . . [i]n any manner contrary to any limitations placed in the pilot's logbook by an authorized instructor." Any limitation attached to an endorsement and recorded in a student's logbook remains valid until it expires or is superseded by a subsequent endorsement, of the same type, from an authorized flight instructor.

Furthermore, as you note in your letter, § 61.195(d) is relevant here. That section restricts who may endorse a student pilot for solo flight, stating, "[a] flight instructor may not endorse a [s]tudent pilot's certificate or logbook for solo flight privileges, unless that flight instructor has," among other things, "[g]iven that student the flight training required for solo flight privileges required by" part 61.

Questions 1-4: Superseding Endorsement Limitations

Your first four questions all relate to whether and how limitations on a solo logbook endorsement may be superseded by subsequently issued endorsements. Your first question asks, if a student pilot's solo and solo cross-country endorsements each have different limitations, whether "the student [is] obligated to comply with the most restrictive limitations . . . when flying on a [solo] cross country flight." As described above, under § 61.93, a student pilot must have both § 61.93 *and* § 61.87 endorsements to undertake solo cross-country flight. Because § 61.89(a)(8) prohibits a student from acting as pilot-in-command in any manner contrary to limitations in the pilot's logbook, a student must comply with the most restrictive limitation applicable to the student's solo cross-country flight.

Your second question asks whether a student with both solo and solo cross-country endorsements, each from a different instructor, has two "active" instructors, "[p]reventing

the second, most current, instructor from superseding or changing the § 61.87 solo endorsements without first providing the required training and endorsing the students logbook with his own 61.87 endorsement." FAA regulations make no reference to "active instructors." Moreover, because solo logbook endorsements under § 61.87 remain valid for only 90 days, every student must periodically have those endorsements reissued. Any instructor who satisfies the requirements of § 61.87(p) and § 61.195(d), including the flight training requirements, may reissue a student's solo logbook endorsement and, in doing so, may revise that student's solo logbook endorsement limitations.

Your third question asks whether § 61.195(d)(1) allows you, as a flight instructor seeking to issue a solo logbook endorsement, to "simply do a [§] 61.87(p) endorsement (additional 90 days), or would I need to do a [§] 61.87(c) endorsement (initial solo) to keep in compliance with [§] 61.195(d)(1)?" Your question incorrectly characterizes §§ 61.87(c) & (p) as describing two separate categories of solo endorsements. As described above, § 61.87(c) requires a student pilot to receive and log flight training in the make and model of aircraft to be flown, and to demonstrate proficiency and safety in that aircraft. Section 61.87(n) requires each student pilot to have endorsements on his or her student pilot certificate and logbook. Section 61.87(p) sets out the requirements for any instructor providing a solo endorsement. Together, these provisions of § 61.87 apply to only one type of logbook endorsement—the solo logbook endorsement.[1]

In addition to implying that there might be more than one category of solo logbook endorsement, your question also implies that a different kind or amount of training is required for each type of endorsement. To clarify, under §§ 61.87(p) & 61.195(d), the training required for each logbook endorsement may vary depending on a student pilot's skill and experience. Prior to issuing or reissuing a student's 90-day solo endorsement (and potentially revising limitations), an instructor must conduct flight training in the make and model to be flown and observe the student to determine his or her proficiency. If an instructor finds that an experienced student pilot is fully proficient in the appropriate procedures and maneuvers, the instructor may also determine that no additional flight training is necessary to provide the solo endorsement. Each instructor should use his or her best judgment to determine the degree of training each student requires.

Your fourth question asks whether § 61.195(d)(1) requires an instructor issuing a new endorsement for solo flight to also re-administer the knowledge tests and endorsements associated with § 61.87(b). As described above, § 61.195(d)(1) requires any flight instructor endorsing a student's certificate or logbook to have "[g]iven that student the *flight training* required for solo flight privileges . . . ." (Emphasis added.) It does not require the aeronautical knowledge test described in § 61.87(b).

Question 5: Flight Instructor Liability

Your fifth question involves a hypothetical scenario in which a student pilot has different wind limitations on each of the student's endorsements. In this hypothetical scenario, the

[1] In fact, there is one additional type of § 61.87 endorsement—the § 61.87(o) endorsement for solo flight *at night*. Your request for interpretation, however, did not discuss solo flight at night.

student undertakes a solo cross-country flight in crosswind conditions exceeding the limitation on his or her solo endorsement. You ask whether the instructor who provided the solo endorsement has any potential liability arising out of the student's violation of the limitations specified in the § 61.87 solo endorsement. The FAA will not speculate as to all the potential theories under which a flight instructor may be liable should a student cause bodily harm or property damage. The recommending instructor is responsible for ensuring that each student understands the limitations placed on any endorsement for solo operations. However, if an authorized flight instructor endorses a student's certificate and logbook in accordance with all FAA regulations and the student subsequently violates a limitation placed on those endorsements, the FAA would not normally consider the flight instructor responsible for the student's violation under the FAA's regulations.

This response was prepared by Benjamin Jacobs, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division (AFS-800) of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Lorelei Peter
Deputy Assistant Chief Counsel for Regulations