

Flight Reviews in Military Surplus Aircraft

The Pasadena Police Department's Air Operations Section has utilized military surplus aircraft since the late 1990's. In August, 2014, Air Operations supervision sought clarification from the FAA on when flight training hours could officially be logged per Part 61 requirements. The FAA responded positively to the inquiry and confirmed that such training hours conducted in military aircraft could be logged. A copy of a letter obtained by PPD in December 2014, clarifying logging of such training flights conducted by and for law enforcement organizations in military surplus OH-58 helicopters is attached for your information.

Since then, Air Operations staff have been concerned there is a prevailing belief among some public safety air support units that Flight Reviews per 14CFR 61.56 could not "legally" be conducted in military surplus helicopters operated as public aircraft by those agencies. In order to clarify this issue, another inquiry was made to the FAA.

Per Sean Hayes, FAA Aviation Safety Manager (Acting), Airmen Training and Certification Branch, AFS-810 at FAA Headquarters, the answer is, "Yes. There is nothing that prohibits a flight review from being accomplished during a public aircraft operation (PAO) provided all requirements of the CFRs are met. Part § 61.45 is not applicable in this situation since a flight review is not considered a practical test." He related that a Flight Review could be accomplished in a "public aircraft" OH-58 that otherwise meets the category, class, and equipment requirements.

Further, he related that in this situation, if the flight review was conducted during an "official law enforcement flight for a Federal, State, County, or Municipal law enforcement agency" as per the requirements for logging flight time in accordance with § 61.51(j)(4), the flight review could be conducted.

Pasadena's Air Operations Section thanks our FAA representatives for their thorough yet common sense approach to this issue. In the end, we believe this clarification will help increase safety for all those public safety organizations that use military surplus aircraft while being fiscally responsible to the community in which we serve. If you have any questions regarding flight reviews or logging of training hours, please contact the following individuals for details:

Pasadena Police Department
Mike Ingram, Lt. Air Operations Section
626-744-4606
mingram@cityofpasadena.net

FAA
Sean Hayes
Aviation Safety
Manager (Acting), Airmen Training and Certification Branch, AFS-810
Shawn.Hayes@faa.gov

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Flight Training Response (2014)



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

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

DEC 10 2014

Mr. Michael Ingram, Lieutenant
Pasadena Police Department
Air Operations Unit
207 N. Garfield Avenue
Pasadena, CA 91101

Dear Mr. Ingram:

This is in response to your August 11, 2014, letter sent to the public docket (No. FAA-2014-0607) petitioning the Federal Aviation Administration, on behalf of the Pasadena Police Department Air Operations Section (AirOps), for an exemption from §§ 61.51(j)(1) and (4) of Title 14, Code of Federal Regulations (14 CFR). That exemption, if granted, would allow AirOps pilots and instructor trainees to log flight time obtained in the department's refurbished military-surplus OH-58 helicopters. AirOps operates these rotorcraft as public aircraft for law enforcement purposes.

In the Pilot, Flight Instructor, and Pilot School Certification final rule published on August 21, 2009 (74 FR 42500), the FAA revised § 61.51(j) which, in pertinent part, establishes the aircraft and airworthiness requirements pertaining to logging flight time. The revision to section 61.51(j) corrected an error in an earlier version of the rule that prevented the logging of flight time in certain aircraft. In the preamble to the final rule, the FAA provided clarification concerning the logging of flight time in a public aircraft:

"The FAA has received several inquiries whether it is permissible to use surplus military aircraft that do not hold a civilian type designation as an aircraft or an airworthiness certificate for logging flight time to meet the part 61 requirements for a certificate, rating, or recent flight experience." (Reference 74 FR 42515)

"The FAA disagrees the rule prohibits law enforcement pilots from being permitted to log flight time. Section 61.51(j)(4) allows logging of flight time if the pilot is engaged in official law enforcement duties in a public aircraft under the direct operational control of a Federal, State, county, or municipal law enforcement agency. Public Law 106-424 (November 1, 2000) provides, in pertinent part, that pilots of a Federal, State, county, or municipal law enforcement agency may log flight time for the purposes of meeting the aeronautical experience requirements for a certificate, rating or recent flight experience under part 61 in limited cases. The stipulation is that the law enforcement pilot must be operating a public aircraft, as defined under 49 U.S.C. 40102; the aircraft must be identified as a category and class of aircraft listed under § 61.5(b); and the aircraft is being used in law enforcement activities of a Federal, State, county, or municipal law enforcement agency." (Reference 74 FR 42516)

Based on the information provided in your request, it appears that the training flights conducted by AirOps can be used by pilots and instructor trainees to log flight time described by § 61.51. Because the relief you seek is covered by the existing rule, we will take no further action on your petition.

We trust this letter addresses your concerns. Should you have additional questions, please contact the General Aviation and Commercial Division at (202) 267-1110.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Viola".

James A. Viola
Manager, General Aviation and Commercial Division
Flight Standards Service

Enclosure