



July20, 2021

FAST Pilots and Signatory Leadership:

This letter replaced previous guidance issues from me on July 17, 2021.

On Monday July 12, 2021 the FAA, through the Federal Register issued a "[Notification of Policy for Flight Training in Certain Aircraft](#)" ("Notification"). This Notification was issued in response to an April 19<sup>th</sup>, 2021 request from AOPA, EAA and GAMA for [clarification](#) regarding Flight Instruction in general and Flight Instruction for compensation in certain aircraft that hold special airworthiness certificates (Experimental, Limited, and Primary category aircraft).

FAST Leadership understands that the above impacts FAST Signatory members who own/operate aircraft that hold special airworthiness certificates. To help FAST pilots understand the scope of the aircraft impacted: there are over 39,000+ aircraft in the Experimental category, approximately 300+ in the Limited category, and just under 30 (approximately 5 aircraft are fixed wing) in the Primary category. For this discussion, I am not addressing the 5 fixed wing Primary category aircraft as I am not aware of any that operate within the FAST training structure. That will leave us to discuss the Experimental and Limited category aircraft. (Standard category aircraft are not impacted by the Notification)

**It is clear that pilots and CFI's conducting Flight Instruction in these aircraft are affected by the Notification. It is not clear whether formation training is affected; however, out of an abundance of caution, FAST is offering the following discussion and recommendations.**

FAST formation pilots involved in special airworthiness aircraft operations fall into three categories:

1. Owner/Operators (receiving Flight Instruction or formation training)
2. CFIs providing Flight Instruction
3. Those who provide formation training/guidance/safety pilot duties (CFI pilots and Private/Commercial/ATP rated pilots without a CFI rating). FAST Leads are an example of these pilots.

It is worth noting the recent FAA correspondence referencing Advisory Circular [61-142](#) that all Flight Instruction is assumed to be a fall under some form of compensation. From AC 61-142: "...accumulation of flight time, and good will in the form of expected future economic benefits can be considered compensation." You can read more on this interpretation in this AOPA [article](#).

While there appears to be little risk of formation training volunteers being accused of receiving compensation, we recommend all owners of Experimental aircraft and CFI's obtain a LODA as described below. **The FAA has stated that only ONE pilot needs to have a LODA (Letter of Deviation Authority) for Flight Instruction to comply with FAR 91.319.**

For those operators and instructors of **Experimental category** (including Experimental Exhibition) aircraft, [FAR 91.319\(h\)](#) permits a person to apply for a deviation authority to conduct flight training in an experimental aircraft. The FAA has created a digital (advertised to take less than 48 hours of the business week) process. This is done via an e-mail and is extremely short and I encourage all owners and CFIs to make this request ASAP.

**ACTION:**

For **owner/operator**:

1. Send an e-mail to: 9-AVS-AFG-LODA@faa.gov
2. Subject line: Experimental Category LODA Request for Training (Oshkosh and beyond)
3. Email contents (example of me as owner/operator):

Owner Name: Hartley Postlethwaite

Address: 1234 Main Street, City, State Zip

E-mail address: FlyingHartley@gmail.com

Pilot Certificate Number: XXXXXXX

Aircraft Registration Number: NXXXX, NXXXX, NXXXXXX

Aircraft make/model: Yak-50, RV-6A, Marquart MA-5 Charger

Aircraft home base airport: KXXX

\* Owners of multiple aircraft need to apply only once for a LODA. Put all your aircraft in one e-mail request.

For **CFIs**:

1. Send an e-mail to: 9-AVS-AFG-LODA@faa.gov
2. Subject line: Experimental Category LODA Request for Training (Oshkosh and beyond)
3. Email contents (example of me as a CFI):

CFI Name: Hartley Postlethwaite

Address: 1234 Main Street, City, State Zip

E-mail address: FlyingHartley@gmail.com

Pilot Certificate Number: XXXXXXX

Flight Instructor Certificate Number: XXXXXXX

For **FAST Leads** or others providing formation training in an Experimental category aircraft:

1. You must decide whether to conduct formation safety pilot, guidance, training if the Experimental category aircraft owner/operator can not demonstrate they possess a LODA.

For those operators of **Limited category** aircraft who do not already have an FAA issued exemption in place (approximately six may possess this exemption), there is not currently a way for you to receive Flight Instruction in your Limited category aircraft. Correspondence linked in this letter indicate that there is a solution in the works, but there is not a LODA path because [FAR 91.315](#), as written today, does not have a mechanism for a LODA and requires the more lengthy exemption process. I am confident that the FAA will create a path forward for you in the coming weeks or months. **If you are a Limited category operator and impacted by this Notification, I encourage you to notify your Signatory President as well as me so I can ensure we fully understand the impact to your operations and can communicate your situation to Industry organizations (AOPA/EAA/GAMA) and the FAA.**

## **SUMMARY:**

The [background](#) on the litigation surrounding the reason for this issue is complex and has been covered by [AOPA](#) and [EAA](#) in several articles and is a conversation outside the goal of this letter to FAST Signatories. The purpose of this letter is to ensure FAST qualified pilots or those seeking training/currency become aware of the Notification that went into effect on July 12, 2021. Though the Notification has outlined the actions required for Flight Instruction and there is an [FAA provided LODA template](#), this letter is intended to offer simple actions that formation pilots may take in regards to the Notification.

Pre-Oshkosh training is occurring today and will continue up until AirVenture 2021 and into the future. The focus and timeliness of getting this information out to the formation community is focused on ensuring we all can conduct safe and informed formation operations in preparation of our arrivals into Oshkosh.

I have had conversations with Signatory Presidents, AOPA, FAA, FFI, and other aviation leaders prior to composing this guidance. The aviation industry is united in continuing to work toward a solution to the Limited category Flight Instruction operations. If you don't belong to one or all of the above industry organizations, you should. They have been a key resource for your volunteer FAST leadership and were extremely valuable in assisting the understanding the impact to our formation operations.

If you have any questions, please reach out to your Signatory President, if they can not answer your question, my contact information is in my signature. I am committed to ensure everyone understands FAST recommendations in connection with the new Notification. Please text before calling as I don't answer calls that are not in my phone's address book.

Do not let the emotions of this situation keep you from AirVenture 2021. If you are changing your plans based on this situation, I encourage you to reach out to me so we can discuss and ensure you understand the full breadth of the situation and those who have worked hard to streamline the process. Lastly, applying for a LODA will not impact the future solutions sought by your industry advocates whom are working with the FAA on a future solution.

Blue Skies,

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