

Exemption No. 11022

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

In the matter of the petition of

**PURDUE UNIVERSITY'S  
DEPARTMENT OF AVIATION  
TECHNOLOGY**

for an exemption from § 61.160(b)(3)(i)  
and (ii) and § 61.169(b)  
of Title 14, Code of Federal Regulations

**Regulatory Docket No. FAA-2013-0769**

**GRANT OF EXEMPTION**

By letter dated September 11, 2013, Ms. Lisa Lewis, Purdue University's Department of Aviation Technology (Purdue), 1401 Aviation Drive, West Lafayette, IN 47907 petitioned the Federal Aviation Administration (FAA) on behalf of Purdue for an exemption from § 61.160(b)(3)(i) and 61.160(b)(3)(ii) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow certain Purdue graduates who completed their instrument rating and/or commercial pilot certificate training under part 61 while enrolled at Purdue to be eligible for the restricted privileges airline transport pilot (ATP) certificate in accordance with § 61.160(b). The FAA is also construing the petition for exemption as a request for relief from the requirements of § 61.169(b).

**The petitioners request relief from the following regulations:**

Section 61.160(b)(3)(i) and (ii) prescribes, in pertinent part, that a person may apply for an airline transport pilot certificate with an airplane category multiengine class rating or an airline transport pilot certificate concurrently with an airplane type rating with a minimum of 1,000 hours of total time as a pilot if the person:

(3) Holds a commercial pilot certificate with an airplane category and instrument rating if:

(i) The required ground training was completed as part of an approved part 141 curriculum at the institution of higher education; and

(ii) The required flight training was completed as part of an approved part 141 curriculum at the institution of higher education or at a part 141 pilot school that has a training agreement under § 141.26 of this chapter with the institution of higher education.

Section 61.169(b) states, in pertinent part, that an institution of higher education may not certify a graduate for an airline transport pilot certificate under the requirements of § 61.160 unless it determines that the graduate has satisfied the requirements of § 61.160.

**The petitioner supports their request with the following information:**

Purdue is a university that is nationally-recognized by the Aviation Accreditation Board International (AABI) which offers a Bachelor of Science degree in Professional Flight Technology. Purdue states its graduates of the Professional Flight Technology degree program develop strong technical skills supported by critical thinking, decision-making, and communication abilities. Purdue is requesting relief for the allowance to certify current students who expect to graduate in the year 2014, 2015, or 2016 and those who have graduated in 2009, 2010, 2011, 2012, and 2013. The relief would allow Purdue to issue a certifying statement to those students that have completed the integrated commercial and instrument courses under 14 CFR part 61 but otherwise have met the requirements for the ATP certificate with reduced aeronautical experience. This certificate would be issued based on the academic coursework completed through its Bachelor's degree program with an aviation major.

To support the petitioner's request, Purdue asserts that its part 61 training program is based on the requirements prescribed in part 141. Purdue provided a table comparing its part 61 training program and the training course outline (TCO) that the FAA approved on September 27, 2013, in accordance with part 141 certification. Furthermore, Purdue attested that its safety program and training course content was not altered since the approval of its part 141 courses. Rather, the primary difference between the content of the training programs was a decrease in the total flight time requirement, namely, the solo cross country pilot time in the approved part 141 TCO.

Purdue states that its request for exemption is within the public interest as it will add 450 young aviators to the work force; thereby providing economic benefit and helping to support and maintain an industry that offers an invaluable service to the public.

A summary of the petition was published in the *Federal Register* on November 21, 2013 (78 FR 69929). The FAA was compelled to publish an additional summary of the petition on January 21, 2014, in the *Federal Register* due to an inaccurate description of the relief sought by the petitioner in the initial notice (79 FR 3453). The FAA received comments from 19 individuals; all commenters were supportive for the grant of exemption. The commenters

cited the training accomplished at Purdue meets an equivalent level of safety as the training conducted in accordance with part 141. Many commenters attested to personal experience with Purdue's Professional Flight Technology program and the high standard for which Purdue graduates are held.

**The FAA's analysis is as follows:**

The FAA has fully considered the petitioner's supporting information and the comments to the petition and determined that the relief requested meets an equivalent level of safety and is in the public interest.

Public Law 111-216 requires all pilots in part 121 to have an ATP certificate. It also states the minimum flight time to obtain an ATP certificate is 1,500 hours. The statute did allow for a credit towards the 1,500 hours only if the FAA determined that allowing a pilot to take "specific academic training courses will enhance safety more than requiring the pilot to fully comply" with the flight time requirement.

In the *Pilot Certification and Qualification Requirements for Air Carrier Operations* notice of proposed rulemaking (NPRM) (77 FR 12374, February 29, 2012), the FAA proposed to allow a reduction in total time for graduates of an "aviation degree program" who also completed ground and flight training for the instrument rating and commercial certificate at an "associated part 141 pilot school." Based on the comments received and further consideration of the statutory language, the FAA further defined what was meant by an "aviation degree program" to include some analysis of how completing specific academic training courses would, as required by the statute, "enhance safety more than requiring the pilot to fully comply" with the flight time requirement. The FAA issued the final rule, *Pilot Certification and Qualification Requirements for Air Carrier Operations* (78FR 42324, July 15, 2013) and in the preamble stated:

*"... the most critical element for determining whether a graduate should be eligible for an R-ATP certificate is the body of coursework completed prior to graduating with a degree in an aviation major. Establishing more specific program criteria for eligibility for an R-ATP certificate will better ensure that academic training courses enhance safety such that a reduction in flight hours is consistent with the Act."*  
(78 FR 42347-8).

Section 61.160 was revised to account for the specific program criteria necessary to meet the intent of the statute. The FAA considered not only how to determine if an institution of higher education and its' program would qualify, but how to evaluate specific academic courses, and then how to oversee such a program.

One of the key components of the degree program is having the ground and flight training for the instrument rating and commercial pilot certificate integrated with a student's broader aviation academic curriculum. The FAA concluded the established training standards and

quality provided by an institution of higher education that holds a part 141 pilot school certificate are necessary to ensure this integration of the pilot ground training and broader academic curriculum is performed to a suitable standard. Accordingly,

*“[u]nder § 61.160, a graduate must have completed all ground training for the commercial pilot certificate and instrument rating at the institution of higher education... [and] the academic institution must, at a minimum, hold a part 141 pilot school certificate for ground training. This requirement will ensure that the ground training for certification is integrated into the institution’s broader academic curriculum. (78 FR 42348). [In addition], the FAA has oversight of the training conducted through part 141 program approval. Those pilot schools must renew their certificates every 24 months and demonstrate the quality of the training through an established training standard.” (78 FR 41352)*

Purdue is seeking relief for the period of time for which it did not hold a part 141 pilot school certificate. The FAA notes Purdue initiated the process to become a part 141 pilot school following publication of the NPRM and received its part 141 pilot school certificate on September 27, 2013. By becoming certificated as a part 141 pilot school with approved TCOs to conduct training for the instrument rating and commercial pilot certificate, Purdue has taken the appropriate actions to become compliant with § 61.160. This action to become fully compliant with the regulation will enable Purdue to certify graduates of its aviation degree program for an ATP certificate with reduced aeronautical experience after the year 2016 without the need for an exemption provided those graduates complete the part 141 instrument rating and commercial pilot certificate ground and flight training courses.

After receiving a part 141 pilot school certificate, Purdue applied for and was issued a letter of authorization (LOA) granting authority to certify graduates of an authorized aviation degree program for a restricted privileges ATP certificate with reduced aeronautical experience. Purdue may certify these graduates if they meet all of the criteria contained within the LOA, to include having received ground and flight training for the instrument rating and commercial pilot certificate under part 141. Purdue’s authorized aviation degree program has been found, through the FAA’s approval process, to satisfy the requirements prescribed in AC 61-139: *Institution of Higher Education’s Application for Authority to Certify its Graduates for an Airline Transport Pilot Certificate with Reduced Aeronautical Experience*. As such, Purdue provides students within the authorized aviation degree program training courses designed to improve and enhance the knowledge and skills of a person seeking a career as a professional pilot. Given the recent issuance of the part 141 pilot school certificate to Purdue, the LOA will only enable Purdue to certify those students who graduate after 2016 based on the timing of when the instrument rating and commercial pilot certificate ground and flight training typically occur. As a result, Purdue is seeking relief for those students who completed their instrument rating and commercial pilot certificate ground and flight training under part 61 and graduated in 2009 through 2013 and those that will graduate in 2014 through 2016.

In view of the petitioner's detailed documentation of its safety program, the comparison of the previous part 61 training program with the current part 141 training program, and information on its training programs to include the specific course requirements for the instrument rating and commercial pilot certificate, the FAA has determined the ground training a student previously received under part 61 is no different than the ground training a Purdue student will be taking under its FAA approved part 141 training courses. In addition, as part of the recent part 141 pilot school certification, the FAA evaluated Purdue's key personnel, facilities, aircraft, equipment, and training syllabus and found these items to meet the standards of part 141. With the minimal changes to its program, the FAA finds that these key components to a part 141 program also existed when Purdue conducted training under part 61. The FAA also finds that Purdue's students were continuously evaluated through academic testing and flight observations under part 61 as is currently accomplished under Purdue's part 141 program. This training and testing, which may have led to an FAA commercial pilot certificate and instrument rating, would have been integrated into the broader academic curriculum within the aviation degree program offered by Purdue. This integration is consistent with the rationale articulated in the preamble of *Pilot Certification and Qualification Requirements for Air Carrier Operations* final rule (78 FR 42324) for the requirements under § 61.160.

While FAA continues to believe that direct FAA oversight of part 141 pilot schools is essential for ensuring that a university establishes and continues to maintain the necessary quality of training, Purdue has demonstrated that it was subject to some form of external evaluation through programmatic accreditation by an independent organization. In addition to this external review of Purdue's curriculum, facilities, and faculty, Purdue's students were subject to evaluation by independent FAA designated pilot examiners (DPEs) or FAA inspectors. The FAA finds that Purdue's external evaluation combined with the minimal changes made in its transition from part 61 training to its current part 141 training meets an equivalent level of safety and the intent of the regulation for those who previously completed their ground and flight training under Purdue's part 61 training program.

The FAA agrees with Purdue that a grant of this petition is in the public interest and would enable graduates to enter the airline industry sooner. Purdue has indicated it has 450 graduates who have completed their commercial pilot certificate and instrument rating ground and flight training under part 61 training provided by Purdue, and that a grant of exemption may allow these graduates to enter airline employment.

The FAA has determined that Purdue may certify a graduate for an ATP certificate with reduced aeronautical experience only after that graduate has been found to meet the criteria noted in Purdue's LOA, which the FAA notes in Condition/Limitation #1.

The FAA has considered Purdue's request for exemption as a request to revise its LOA. Concurrent with issuing this grant of exemption, the FAA has amended the LOA to permit Purdue to certify graduates that have completed the requisite ground and flight training under part 61 training provided by Purdue. Purdue must revise its certifying statement for these graduates to indicate they are eligible for an ATP certificate with reduced aeronautical

experience as a result of the relief provided by this exemption. This requirement is reflected in Condition/Limitation #2.

Purdue must also provide a copy of this exemption to each student for whom the relief is necessary and direct that student to provide a copy of the exemption along with the official transcript and certifying statement at the time of application for the practical test for the ATP certificate with restricted privileges under § 61.160. This is reflected in Condition/Limitation #3.

Since Purdue has received certification under part 141 to conduct commercial pilot and instrument training, the relief for this exemption is only applicable to students that have graduated in 2009, 2010, 2011, 2012, and 2013, and for those that expect to graduate in the year 2014, 2015, or 2016. As such, the relief provided in this exemption is limited to only those students that have graduated, or expect to graduate, during these years. This limitation is reflected in Condition/Limitation #4.

Any students who graduate after the year 2016 must have accomplished their commercial pilot certificate and instrument rating flight and ground training under Purdue's approved part 141 pilot school certificate to meet the requirements of § 61.160(b)(3). This limitation is reflected in Condition/Limitation #5. The FAA has issued this exemption for a three year period in order to provide Purdue adequate time to certify those students that graduate in the year 2016.

#### **The FAA's Decision:**

In consideration of the foregoing, I find that a grant of exemption meets an equivalent level of safety and is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 106(f), 40113, 44701, and 44703, delegated to me by the Administrator, Purdue University's Department of Aviation Technology (Purdue) is granted an exemption from 14 CFR §§ 61.160(b)(3)(i) and (ii) and § 61.169(b) to the extent necessary to allow students who expect to graduate in the year 2014, 2015, or 2016 and those who have graduated in 2009, 2010, 2011, 2012, and 2013, who have completed the integrated commercial and instrument courses at Purdue under 14 CFR part 61, to be eligible for the airline transport pilot certificate with restricted privileges in accordance with § 61.160(b) or (d), subject to the conditions and limitations listed below:

#### **Conditions and Limitations**

- 1) Purdue must adhere to all the conditions and limitations listed within its letter of authorization (LOA) granting authorization for Purdue to certify its graduates for an airline transport pilot (ATP) certificate with reduced aeronautical experience.
- 2) In exercising the relief provided in this exemption, Purdue must reference Exemption No. 11022 on the certifying statement issued to its graduates for an ATP certificate with reduced aeronautical experience. The certifying statement must note that

the requirements of § 61.160[(b) or (d)] are met in conjunction with the relief provided in this exemption.

- 3) Purdue must provide a copy of this exemption to each student for whom the relief is necessary and direct that student to provide a copy of the exemption along with the official transcript and certifying statement at the time of application for the practical test for the ATP certificate under § 61.160.
- 4) Purdue may utilize this grant of exemption only for students who have graduated between January 1, 2009, and December 31, 2016, and completed the integrated commercial and instrument courses under part 61 at Purdue for an ATP certificate with reduced aeronautical experience.
- 5) The authority (in the LOA) to certify graduates who received training from Purdue under part 61 terminates upon expiration of this exemption.

This exemption terminates on July 31, 2017, unless sooner superseded or rescinded.

Issued in Washington, D.C., on July 8, 2014.

/s/

Rick Domingo  
Acting Deputy Director, Flight Standards Service