

# FAA withdraws rule to restore simulator time

By: Elizabeth A. Tennyson / Flight Training AOPA

AOPA is once again asking the FAA to expedite the rulemaking process to allow 20 hours of aviation training device (ATD) instruction to count toward the instrument rating. AOPA made the request Jan. 15, after the FAA announced that it was withdrawing a direct to final rule that would have had the same effect.

The agency said it was withdrawing the rule because it had received adverse comments and was therefore obligated to do so by 14 CFR 11.13. The direct to final rule, published last December, would have restored training standards changed in January 2014 when the FAA issued a policy statement that would have effectively cut in half the number of hours that could be logged toward the instrument rating.

Following that policy change statement, AOPA and others urged the FAA to act swiftly to restore the higher level of ATD time that could count toward the instrument rating. In creating the direct to final rule, the FAA did just that, so the decision to withdraw that rule only six weeks after it was announced was disappointing to AOPA and many in the training community.

“We regret the FAA’s decision to withdraw its direct to final rule,” said David Oord, AOPA director of regulatory affairs. “We believe that ATD training is a critical component of earning an instrument rating because it creates a more efficient and effective training experience. Through simulation, students can fly many more approaches of all types, safely experience critical instrument failures and emergencies, and practice decision making under challenging conditions set by their instructors. At the same time, ATD training is far less expensive than equivalent time in an airplane and reducing the cost of training and certification is vitally important to our members and the growth of general aviation.”

The FAA’s decision to withdraw the direct to final rule was the result of two comments raising questions about the realism and effectiveness of simulator training.

In a formal submission to the docket, AOPA urged the FAA to consider the comments “insubstantial” rather than “adverse,” a distinction that would have eliminated the need to withdraw the rule. But the FAA did not change its legal position.

In its written response to the withdrawal notice, AOPA pointed out that long experience has proven the value of ATD training and asked the FAA to quickly begin the full rulemaking process to restore the allowable time.

“The adverse comments are demonstrably inconsistent with significant and longstanding practical experience that has established as fact the economic, environmental, and safety value of allowing a maximum of 20 hours of time in an approved ATD to count toward the requirements for an instrument rating,” wrote Oord.

He added that, regardless of the method of training, every pilot must undergo a practical exam to demonstrate his or her skills and knowledge before earning any new rating or certificate.

“The FAA should afford the training industry the flexibility to teach pilots using new and innovative techniques,” wrote Oord. “Only through innovation will we collectively rise to the next level of safety.