



INTERNATIONAL FERRY & FLIGHT TEST GROUP

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CUSTOMER NEWSLETTER - 4th QTR 2004

To Our Valued Customers:

Customer Newsletters are offered to provide information about topics of frequent inquiry from customers, and to inform customers about changes in regulations or procedures that affect the conduct of ferry and flight-test operations. Customers may ask to be included on the distribution list, and receive Customer Newsletters via e-mail as issued, or view them at www.iffthg.aero. Feedback, questions, and suggestions for topics to be covered in future Customer Newsletters, are always eagerly solicited from our customers.

Changes in Permits for Evaluation or Flight Tests

Traditionally, approvals to conduct post-maintenance evaluation flights, customer-acceptance flights, and return-acceptance flights have been under the so-called "ferry permit" or "pink slip" - formally, a Special Airworthiness Certificate as a Special Flight Permit. In addition, it has been commonly accepted that these flights were under "only Part 91" of the Federal Aviation Regulations. These traditional assumptions have never been entirely accurate, but have recently become the subject of clarification and modification in the way they are interpreted by the FAA, with corresponding changes in its directions to the Designated Airworthiness Representatives who have traditionally issued the Special Flight Permits for these flights.

Large Airline Transport Category Airplanes - technically those with more than 20 passenger seats or a payload of more than 6,000 pounds - can never be operated legally under "only Part 91", as can smaller general aviation airplanes. Non-commercial operations of large transport category airplanes must always be under Part 125 (FAR Section 125.1). In circumstances where there is no Operating Certificate issued under Part 125 (e.g., operations other than travel clubs or sports team operations), this means that the operations must be conducted under a deviation or waiver from the requirements of Part 125.

In the case of post-maintenance evaluation flights, customer-acceptance flights, and return-acceptance flights, it is necessary to obtain a "special flight authorization" (as defined and described at FAA Order 8700.1, Volume 2 and Page 73-3), allowing the flight. This "special flight authorization" - in letter format - must be requested of and issued by the FAA Flight Standards District Office with responsibility for the airport from and to which the evaluation or test flight will be conducted. Some confusion has existed because the term "Special Flight Authorization" is also used by the FAA to describe that different approval required when an airplane under foreign registration and a foreign ferry permit is to be operated within United States airspace (see, FAA Advisory Circular 20-65A).

Special Flight Permits (the so-called "ferry permit" or "pink slip") may only be used when repositioning an airplane to the base of a purchaser, or to maintenance or storage (see, FAR 21.197(a) and FAA Order 8130.2F at Paragraphs 191 through 199), or when it does not meet the airworthiness standards required for operation under a Standard Airworthiness Certificate and a Special Flight Authorization under FAR Part 125, as defined above.

The FAA has also changed the long-established practice of allowing operations under facsimile copies of Special Flight Permits. At FAA Order 8130.2F and Paragraph 193, the FAA advises that "Designees cannot issue a telegraphic or faxed special flight permit". The FAA itself may continue to issue facsimile approvals, but legality now requires that a Special Flight Permit issued by a Designated Airworthiness Representative (DAR) must be in "original" form.