



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

**ORDER
1110.143**

Effective Date:
07/26/2006

SUBJ: AMATEUR-BUILT AIRCRAFT AVIATION RULEMAKING COMMITTEE

- 1. PURPOSE.** This order constitutes the charter for the Amateur-Built Aircraft Aviation Rulemaking Committee. This committee is designated and established by the Administrator's authority under Title 49 of the United States Code (49 U.S.C.), section 106(p)(5).
- 2. DISTRIBUTION.** This order is distributed to the Associate Administrator for Aviation Safety, and to the director level in the Aircraft Certification Service; the Office of Rulemaking; Office of the Chief Counsel; and Flight Standards Service.
- 3. EFFECTIVE DATE AND DURATION.** This committee becomes effective on the date this order is signed. The committee will exist for 2 years, unless sooner terminated or extended by the Administrator.
- 4. BACKGROUND.** Title 14 Code of Federal Regulations (14 CFR), part 21, § 21.191(g) defines an amateur-built aircraft as: "an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation." When § 21.191(g) was codified, current technologies that allow for the construction of sophisticated amateur-built aircraft were not envisioned. Most aircraft were of simple construction and did not require builder or commercial assistance. However, during the 1970s and 1980s the introduction of light-weight materials and high performance capabilities revolutionized the construction of amateur-built aircraft. Many of the aircraft introduced during this time incorporated glass/foam/glass composite structures. Aircraft kit manufacturers later expanded upon these designs and now use materials such as carbon fiber composite structures in the construction of their aircraft. The introduction of these materials and sophisticated construction techniques have resulted in aircraft being developed for amateur-built certification that can be turbine-powered, and have pressurized cabins, retractable landing gear, and seating for 4 or more passengers. These aircraft may be able to attain speeds in excess of 400 knots and routinely operate above FL 180. Many of these aircraft can only be built with builder or commercial assistance.

 - a.** The Federal Aviation Administration (FAA) recognizes that an amateur aircraft builder may obtain builder or commercial assistance. However, the FAA is concerned when the level of aircraft sophistication requires that the aircraft be fabricated with builder or commercial assistance.
 - b.** The original intent of § 21.191(g) was to allow a person to fabricate and assemble the major portion of an aircraft solely for educational or recreational purposes. The FAA did not intend for builder or commercial assistance to circumvent the normal certification regulations and procedures applicable to the serial production of duplicate aircraft.

5. OBJECTIVES AND SCOPE OF ACTIVITIES. This committee will provide a forum for the FAA and the aviation community to discuss the use of builder or commercial assistance when fabricating and assembling an amateur-built aircraft for certification under § 21.191(g).

a. The goal of the committee is to provide advice, guidance, and recommendations for new amateur-built regulations, directives, advisory materials, and implementation strategies.

b. To achieve the goal:

(1) The committee will review other foreign civil aviation authority amateur-built regulations, directives and advisory material and compare them to pertinent FAA regulations, directives and advisory material such as:

(a) 14 CFR § 21.191(g).

(b) FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products.

(c) Advisory Circulars: AC 20-27, Certification and Operation of Amateur-Built Aircraft, AC 20-139, Commercial Assistance During Construction of Amateur-Built Aircraft, and AC 90-89, Amateur-Built Aircraft and Ultralight Flight Testing Handbook.

(2) The committee will review the use of builder or commercial assistance when fabricating and assembling an amateur-built aircraft for certification under § 21.191(g). The committee will as a minimum:

(a) Define builder and commercial assistance when fabricating and assembling an amateur-built aircraft.

(b) Define minor portion as it is used in amateur-built aircraft so the combination of prefabricated parts and builder or commercial assistance are not to exceed 49% of the total aircraft construction.

(c) Identify and define the regulatory, directive, and policy changes needed for the FAA: to perform oversight of builder or commercial assistance; to convey to applicants their responsibilities when using builder or commercial assistance; and to convey to the providers of builder or commercial assistance their responsibilities to the applicant and the FAA.

NOTE: The FAA does not have any issues with individuals fabricating and assembling an amateur-built aircraft (regardless of the sophistication) when they build it themselves.

c. The committee may also recommend enhancements to the current amateur-built aircraft certification process when builder or commercial assistance is not used.

d. Once the review is complete the committee will document its advice, guidance, recommendations and implementation strategies in a report. The committee will brief the report to the Associate Administrator for Aviation Safety through the Director of the Aircraft Certification Service. The committee's suggestions may include recommendations for rulemaking, changes to directive or advisory material, training and implementation strategies.

6. DELIVERABLES.

a. Two months from when the committee order is signed, the committee will deliver and brief a plan for accomplishing this task to the Director of the Aircraft Certification Service, and obtain the Director's approval prior to proceeding.

b. Six months from this order's effective date, the committee will deliver its first draft report to the Associate Administrator for Aviation Safety through the Director of the Aircraft Certification Service. The committee may make recommendations or complete the tasks before the sixth month due date. Documented issue resolutions, recommended policy decisions, draft guidance material, and/or proposed rulemaking, as appropriate, may be submitted as recommendations. The committee may document any issues or concerns with their recommendations in the report. The final report will be delivered nine months from this order's effective date to the Associate Administrator for Aviation Safety through the Director of the Aircraft Certification Service.

NOTE: The FAA may extend the report due dates up to six months.

7. PROCEDURES.

a. The committee provides advice, guidance and recommendations to the Director of the Aircraft Certification Service. The committee acts solely in an advisory capacity.

b. The committee will discuss and present whatever advice, guidance, and recommendations its members consider relevant to resolving the identified issues. The committee co-chairs will determine the earliest time that the committee members are able to convene to discuss the initial assignment of the committee. The committee co-chairs will conduct such meetings of the committee as are deemed appropriate to dispose of the issues tasked to it.

8. ORGANIZATION AND ADMINISTRATION.

a. The Director of the Aircraft Certification Service is solely responsible to appoint members or organizations to the committee. The committee will consist of members of the aviation community, including the public and other Federal government entities, which represent various viewpoints. The FAA will provide administrative support.

b. The Director of the Aircraft Certification Service is the sponsor of the committee and will select an industry co-chair(s) from the committee membership. The Director will also designate the FAA co-chair(s) for the committee. Once designated, the co-chairs will:

(1) Determine, in coordination with the other members of the committee, when a meeting is required and where it will be held.

(2) Notify all committee members of the time and place for each meeting.

(3) Form an agenda for and conduct each meeting.

(4) Ensure that detailed minutes are kept for each meeting and certify accuracy of the minutes.

(5) Make requests to the Director of the Aircraft Certification Service for the attendance of FAA employee's at a meeting of the committee.

c. The Director of the Aircraft Certification Service may wish to have a representative from the FAA's Office of the Chief Counsel in attendance at committee meetings to provide legal advice regarding any recommendations that may be made. The Director may also wish to have a representative from the Office of Policy and Planning present to provide economic advice. To promote harmonization between authorities, the Director may also wish to have observers from foreign civil aviation authorities attend committee meetings.

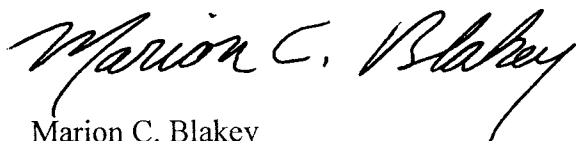
9. MEMBERSHIP. The FAA will select the committee membership from industry associations and/or organizations (AIR-200, FAA manufacturing and engineering field representatives, AFS-800, AFS-300, EAA, Kit Manufacturers, etc.). The membership should be balanced in points of view, interests, and knowledge of the objectives and scope of the committee's tasks. Additional participants may be added as subject matter experts to support sub-committees or work groups, or to provide support to committee members. Each member or participant should represent the identified interest of the affected community.

10. COST AND COMPENSATION. The estimated travel cost to the Federal government for the Amateur-Built Aircraft Aviation Rulemaking Committee is approximately \$20,000, (\$15,000 for travel and \$5,000 for contract fees). Non-government representatives serve without government compensation and bear all costs related to their participation on the committee.

11. PUBLIC PARTICIPATION. Interested persons or organizations who are not committee members but plan to attend a meeting must first acquire approval from the Director of the Aircraft Certification Service, or his/her delegate. The committee's meetings are generally not open to the public, however anyone in attendance may make comments or provide input, but such comments or input must be made through one of the committee members.

12. AVAILABILITY OF RECORDS. Subject to the conditions of the Freedom of Information Act, Section 522 of Title 5 U.S.C., records, reports, agendas, working papers, and other documents given to or prepared by the committee will be available for public inspection and copying at this address: FAA Aircraft Certification Service, 800 Independence Avenue, SW., Washington, D.C. 20591. Fees will be charged for information furnished to the public per the fee schedule in part 7 of Title 49 CFR.

13. PUBLIC INTEREST. The formation of the Amateur-Built Aircraft Aviation Rulemaking Committee is in the public interest in connection with the performance of duties imposed on the FAA by law.



Marion C. Blakey
Administrator