



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

December 3, 2018

Exemption No. 18068
Regulatory Docket No. FAA-2014-0415

Dr. Timothy B. Holt, FRAeS, C.M.
Dean, College of Aviation
Embry-Riddle Aeronautical University
3700 Willow Creek Rd.
Prescott, AZ 86301-3720

Dear Dr. Holt:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

By letter dated October 17, 2018, you petitioned the Federal Aviation Administration (FAA) on behalf of Embry-Riddle Aeronautical University, Prescott Campus (ERAU-Prescott) for an extension of Exemption No. 11107. That exemption from §§ 61.160(b)(3)(i) and 61.160(b)(3)(ii) of Title 14, Code of Federal Regulations (14 CFR) allows ERAU-Prescott to issue certifying statements that would allow students to be eligible for the restricted privileges airline transport pilot (ATP) certificate in accordance with §§ 61.160(b) and (d). The FAA is also construing your petition for exemption as a request for relief from the requirements of § 61.169(b). Section 61.169(b) states, in pertinent part, that an institution of higher education may not certify a graduate for an ATP certificate under the requirements of § 61.160 unless it determines that the graduate has satisfied the requirements of § 61.160.

Although you requested an extension of Exemption No. 11107, that exemption expired on November 30, 2016. Therefore, the FAA is processing your petition as if you were requesting a new exemption.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 11107 (copy enclosed), the FAA found that ERAU-Prescott students were continually evaluated through academic testing and

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flight observations as is accomplished under part 141. 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 ERAU-Prescott. This integration is consistent with the rationale articulated in the *Pilot Certification and Qualification Requirements for Air Carrier Operations* final rule preamble (78 FR 42324) for the requirements of § 61.160.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 11107;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 11107 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to ERAU-Prescott.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Embry Riddle Aeronautical University, Prescott Campus an exemption from 14 CFR § 61.160(b)(3)(i) and § 61.160(b)(3)(ii) to the extent necessary to allow students who matriculated into the university's Aeronautical Science degree program before the start of the 2010 academic year, and who subsequently completed their instrument rating and/or commercial pilot training under part 142 at ERAU-Prescott, to be eligible for the restricted privileges ATP certificate in accordance with §§ 61.160(b) or (d), subject to the conditions and limitations described below.

Conditions and Limitations

1. ERAU-Prescott must adhere to all the conditions and limitations listed within its letter of authorization (LOA) granting authorization for ERAU-Prescott to certify its graduates for an ATP certificate with reduced aeronautical experience.
2. In exercising the relief provided in this exemption, ERAU-Prescott must include the following certifying statement on the graduate's transcript: "Embry-Riddle Aeronautical University certifies that, in conjunction with the relief provided in Exemption No. 10957, the requirements of § 61.160[(b) or (d)] for an Airline Transport Pilot Certificate with Reduced Aeronautical Experience have been met."
3. ERAU-Prescott 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. ERAU-Prescott can exercise this exemption only for its students who initially enrolled in the following Bachelor of Science degree program between 2003 and 2011, and subsequently completed the commercial certificate and instrument rating ground and flight training under ERAU-Prescott's part 142 training center certificate:
 - a. Aeronautical Science
 - or
 - b. Aeronautics
5. The authority (in the LOA) to certify students who received training under ERAU-Prescott's part 142 training center certificate terminates upon expiration of this exemption.

This exemption terminates on December 31, 2020, unless sooner superseded or rescinded.

Sincerely,



Rick Domingo
Executive Director
Flight Standards Service

Enclosure