

## Aviation Group Client Update

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### FAA ISSUES PROPOSED RULE ON MINIMUM ALTITUDES FOR USE OF AUTOPILOTS

Yesterday, FAA published a [Notice of Proposed Rulemaking \(NPRM\)](#) in the Federal Register recommending changes to the rule on minimum altitudes for use of autopilots under 14 CFR Parts 121, 125 and 135. The FAA proposes to amend and harmonize minimum altitudes for use of autopilots for transport category airplanes.

The proposed rule would enable the operational use of advanced autopilot and navigation systems by incorporating the capabilities of new and future autopilots, flight guidance systems, and Global Navigation Satellite System (GNSS) guidance systems while protecting the continued use of legacy systems. This would allow the FAA to enable the benefits of Next Generation Air Transportation System (NextGen) technologies and procedures to enhance aviation safety in the National Airspace System (NAS) through a performance-based approach, using the certified capabilities of autopilot systems as established by the Airplane Flight Manual (AFM). The proposal would also give the FAA the authorization to require an altitude higher than the AFM if the FAA believes it to be in the interest of public safety.

Currently, operators have a choice whether or not to update their aircraft with new autopilots as they are developed and certified by equipment manufacturers. This rule would not affect that decision-making process and would protect operators who choose to continue to operate as they do today. Also, by setting new minimum altitudes for each phase of flight that certified equipment may operate to, the proposed rule would give manufacturers more certainty that new products could be used as they are developed.

The FAA proposes a complete rewrite of 14 CFR 121.579, 125.329 and 135.93, noting the following:

- The language in each section of the proposed regulations would be identical except for an additional paragraph in 14 CFR 135.93 exempting rotorcraft.
- The proposed rule would harmonize these three parts of 14 CFR because the rule would be based on the performance capabilities of the equipment being utilized, not the operating certificate held.
- Nothing in the proposed rule would prevent or adversely affect the continued safe operation of aircraft using legacy navigation systems.

The proposed rule would:

- Align the autopilot operational rules with the updated autopilot certification standards contained in 14 CFR 25.1329 (effective April 11, 2006).
- Allow for future technological advances within the scope of the rule, which would facilitate the implementation of NextGen into the NAS.
- Accommodate future technological changes by setting safe minimum altitudes in each phase of flight that certified autopilots could operate to.

Once a new piece of equipment or system is certified and the new limitations incorporated in the AFM, a certificate holder might then make use of the new capabilities when authorized through its Operations Specifications (OpSpecs). This change would enable new autopilots to use both current and future navigational systems.

Comments on the proposed rule are **due on or before February 4, 2013**. Please contact our office for additional information or assistance with the preparation and submission of comments

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