

ORDER 8700.1

APPENDIX: 3

BULLETIN TYPE: Flight Standards Handbook Bulletin for  
General Aviation (HBGA)

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BULLETIN TITLE: Clarification of Requirement for "Dual  
Controls" on Civil Aircraft without "Dual  
Brakes" Being Used to Provide Flight  
Instruction or Conduct Practical Tests

EFFECTIVE DATE: 5-26-00

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1. PURPOSE. This bulletin provides guidance concerning the meaning of "dual controls" as it applies to civil aircraft being used for either flight instruction or practical tests, in accordance with (IAW) Title 14 Code of Federal Regulations (14 CFR) part 91, section 91.109.

2. BACKGROUND.

A. Neither previous nor current 14 CFR section 61.45 or 91.109 have listed brakes as a "required control" in a civil aircraft when used for either flight instruction or a practical test.

B. The Federal Aviation Administration (FAA) has held that both flight instruction and practical tests may be conducted in an airplane without dual brakes when the instructor/examiner determines that the instruction or practical test, as applicable, can be conducted safely in the aircraft. Further, numerous makes and models of both single- and multi-engine civil aircraft, not equipped with two sets of brakes or a central handbrake, have been used to provide flight instruction required for virtually all certificate and rating areas authorized under 14 CFR part 61.

C. The FAA Office of General Counsel (AGC) responded to a recent request from industry for an interpretation of the requirement for the brakes on the right side to be equal to the brakes on the left. AGC's response stated that the brakes on the right side did not have to be a duplicate or equal to the brakes on the left side; however, the response inadvertently stated that the brakes on the right side were required. Therefore, it meant that the operating controls accessible to the pilot in the right seat of the aircraft, or to both pilots in a tandem seated aircraft must be capable of performing the same function. This effectively required

that an aircraft used for flight instruction or a practical test must be equipped with two sets of brakes or a central handbrake.

(1) Title 14 CFR section 91.109(a) states, in part, that no person may operate a civil aircraft that is being used for flight instruction unless that aircraft has fully functioning **dual controls**.

(2) Title 14 CFR section 141.39(d) provides that each aircraft used in flight training must have at least two pilot stations with **engine power controls** that can be easily reached and operated in a normal manner from both pilot stations.

(3) Title 14 CFR section 61.45(b)(1)(i) provides that an aircraft used for a practical test must have the equipment for each area of operation required for the practical test. For example, an examiner may conduct a flight instructor practical test with an applicant in the right seat without brakes on that side. If a task requires the applicant to use the brakes, he or she may either switch seats with the examiner to perform the task or ask the examiner to apply and release the brakes at the applicant's request.

(4) Title 14 CFR section 61.45(c) provides that an aircraft (other than lighter-than-air aircraft) used for a practical test must have **engine power controls and flight controls** that are easily reached and operable in a conventional manner by both pilots, unless the examiner determines that the practical test can be conducted safely in the aircraft without the controls being easily reached.

(5) As noted, dual brakes are not a requirement in either of the above sections of 14 CFR.

D. Based on FAA's long standing interpretation that brakes are not required controls under 14 CFR section 91.109(a), and upon determining that safety has not been impacted negatively, on April 27, the **Office of General Counsel clarified its position that the term "dual controls" as used under 14 CFR section 91.109(a) refers solely to the flight controls of an aircraft (e.g., pitch, yaw, and roll controls)**.

3. ACTION. Aviation safety inspectors in all Flight Standards District Offices (FSDO) are requested to advise certificated flight instructors, certificated pilot schools, and affected aircraft owners and operators within their jurisdiction, that FAA's previous and long standing policy regarding this matter continues to apply and that civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.

4. INQUIRIES. This bulletin was developed by AFS-800. Any questions or comments regarding the information provided should be directed to AFS-800 at (202) 267-8196.

5. EXPIRATION. This bulletin will expire upon its incorporation in a future change to FAA Order 8700.1, General Aviation Operations Inspectors Handbook, volume 2, chapter 1, section 3, Considerations for the Practical Test.

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