FREQUENTLY ASKED QUESTIONS
14 CFR, PART 61
ARRANGED BY SECTION

THE SOURCE OF ANSWERS IS JOHN LYNCH, AFS-840
CERTIFICATION BRANCH, WASHINGTON, DC
UNLESS OTHERWISE NOTED

MAINTAINED BY THE PILOT EXAMINER
STANDARDIZATION TEAM, AFS-640
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THE ORIGINAL "Q&A" REFERENCE IS NOTED
FOLLOWING EACH (GROUP OF) QUESTION (S)

CHANGE NOTICE:
REVISION DATE: DECEMBER 19, 2000
INCORPORATING Q&A #s: 404-412
WITH ALL PREVIOUS Q&As 1 - 403

VERTICAL BAR IN LEFT MARGIN DENOTES CHANGES SINCE: 10/27/2000

CHANGES HAVE BEEN MADE TO Part 61 sections: 61.3, 61.49, 61.56, 61.58, 61.71, 61.73, 61.75, 61.109, 61.153,

TO UPDATE YOUR FAQs
CURRENTLY: http://afs600.faa.gov **Select: AFS-640; Then select: Designee Seminars; Then select: DPE; Finally select: FAQ**

CHANGE EXPECTED IN FEBRUARY:
http://av-info.faa.gov **Select: "Designee Information" for dropdowns that will include the "FAQ's"**

PART 61

61.1

QUESTION: Situation, I have a FAA Aviation Safety Inspector who is making application for an addition of a Fairchild 328JET type rating. The instructor who provided the training and endorsement is an instructor for Ozark Air Lines. The training and type rating practical test is through a contract with the FAA and Ozark Air Lines and has been approved and paid for by the FAA. However, the instructor only holds an ATP certificate and does not hold a flight instructor certificate. Is this instructor an "authorized instructor" under §61.1(b)(2)(iii) and is he/she able to provide the training and endorsement required for by §61.157(b)(1) and (2)?

ANSWER: Ref. §61.1(b)(2)(iii); Yes, this instructor for Ozark Air Lines would be considered an "authorized instructor" and may provide the training and endorsement for the Fairchild 328JET type rating for the requirements of §61.157(b)(1) and (2) to our FAA ASI.

I coordinated this answer with Thomas K. Toula, Manager, Air Carrier Training Branch, AFS-210, Washington, DC, and he agrees that since this pilot for Ozark Air Lines is an approved instructor for Ozark Air Lines that makes him/her an authorized instructor as:

> "(iii) A person authorized by the Administrator to provide ground training or flight training under SFAR No. 58, or part 61, 121, 135, or 142 of this chapter when conducting ground training or flight training in accordance with that authority." [i.e., §61.1(b)(2)(iii)]

Therefore, the Ozark Air Lines pilot is an authorized instructor and may provide the training and endorsement required by §61.157(b)(1) and (2) [and also for §61.63(d)(2) and (3), if appropriate] to our FAA ASI.

According to Mr. Toula, this question has come up before and AFS-210 has answered it verbally this way and has permitted it.
{q&a-394}

QUESTION: Explain the meaning of the phrases:
a. Does the meaning of "24 calendar months" mean two years, (e.g. January 15, 1997, to January 15, 1999)?
b. Does the meaning of "24 calendar months" mean 24 unit months, (e.g. regardless of the day in January 1997, to January 31, 1999)?
c. How to interpret the meaning of "within the preceding 24 months?"
d. How to interpret the meaning of "24 months after or from?"

ANSWER: Ref. §61.19(b) and §61.58(g); Letter of legal interpretation from the FAA's Office of Chief Counsel addressing these questions are as follows:

Mr. Sean Conlin
Quality Assurance
Pan American Airways Corp.
14 Aviation Avenue
Portsmouth, NH 03801

Dear Mr. Conlin:

I am responding to your letter dated September 15, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding the meaning of "within the preceding 24 calendar months."

You state in your letter that two interpretations exist within the industry regarding the meaning of "24 calendar months." One interpretation is that it means two years, e.g. January 15, 1997, to January 15, 1999. The second interpretation is that it means 24 unit months, e.g. regardless of the day in January 1997, to January 31, 1999. You state that your local Flight Standards District Office (FSDO) believes the second interpretation, 24 unit months, to be correct. You ask this office to confirm this before you change your policy.

The term "24 calendar months" as used throughout the Federal Aviation Regulations (14 CFR) means 24 unit months. The term "24 months" means two years."

If you are required to comply with a regulation under 14 CFR "within the preceding 24 calendar months," you have from the beginning of the 24th calendar month of the month in which you are required to comply. For example, §91.411 (14 CFR §91.411) requires certain altimeter system and altitude reporting equipment tests and inspections to have been accomplished "within the preceding 24 months" before a person may operate an airplane or helicopter in controlled airspace under IFR. Therefore, if you want to operate an airplane in controlled airspace under IFR on January 15, 2000, you must have, since January 1, 1998, met the requirements of §91.411(a).

If you are required to comply with a regulation under 14 CFR "24 calendar months after or from," you have until the end of the 24th month after the month in which the time began to run. For example, §61.19 (14 CFR §61.19) provides an expiration date for a student pilot certificate of 24 calendar months from the month in which the student pilot certificate is issued. Therefore, if you obtain a student pilot certificate on January 2, 2000, it expires on January 31, 2002.

Please note that an additional "grace calendar month" may be provided to a person for purposes of complying with a particular section under 14 CFR [e.g. 14 CFR §61.58(g)].

If you are required to comply with a regulation under 14 CFR "within the preceding 24 months" or "24 months after or from," you have from two years before the date you are required to comply or two years after the date the time began to run, respectively. For example, if a regulation under 14 CFR requires you to meet certain requirements "within

the preceding 24 months" before you can operate an aircraft, then you must have accomplished the requirements with the two years before the date you want to operate the aircraft. Therefore, if you want to operate an aircraft on January 19, 2000, you would have to have met the requirements within the period of time starting on January 19, 1998.

I hope this satisfactorily answers your question.
Sincerely,
Donald P. Byrne, Assistant Chief Counsel, Regulation Division
{q&a-370}

QUESTION: A part 135 operator in Colorado bought a used Puma AS-330J through the manufacturer (Aerospatiale / American Eurocopter / Eurocopter, SA). This is the only N registered Puma in the U. S. It is an early 1980-vintage helicopter, like the Sikorsky S-62. He sent two of his pilots down to Texas to get a type rating in it and turns out that the instructor for American Eurocopter is a French national who only holds a French ATP and French flight instructor certificate. He only now holds a US restricted private pilot certificate. FAR 61.41 says that the instruction given would only be valid if given outside the U. S.

An ASW-200 regional ASI told the POI that this French guy was the only one who could give instruction in the Puma, so the POI sent him an LOA authorizing him to give the Part 61 instruction. The flight training is scheduled to begin next week. An ASW-200 ASI sat in on the ground school to get refreshed in the Puma, since he's rated in it, and we were planning on asking for an LOA so the ASI can give the type checks. But we're not there yet, since I'm not sure that the Part 61 instruction is valid or not?

ANSWER: Ref. §61.1(b)(2)(iii); This French citizen would first have to be issued a Letter of Operational Authority (LOOA) by the local Flight Standards District Office and that LOOA must specifically state that he is authorized to provide ground and flight training in this AS-330J helicopter and is authorized to give the required endorsements for showing training given and recommendation for applicants to take the AS-330J type rating practical test for an additional type rating. Then this French citizen would be considered an "authorized instructor" as per §61.1(b)(2)(iii), and authorized to provide the applicant(s) the necessary training and endorsements for the additional type rating practical test for the AS-330J type rating.
{q&a-318}

CORRECTION: An error in the original issuance of Q&A-172 indicated that all instrument instruction given by an instrument instructor in flight simulator/training device or PCATD could be used toward ATP requirements. This is not true.

QUESTION 1: If an applicant has 1,200 hour of flight time, and meets all the other requirements for the ATP certificate, (instrument time, cross-country time, night time etc.), can the applicant use the time they have accrued as an 'authorized instructor in a flight training device' (as per 61.1) towards the 300 hours still needed to fulfill the 1,500 hour requirement?

ANSWER 1: Ref. §§61.1(b)(12)(iii) & 61.159(a)(5); No, the aeronautical experience requirements listed in §61.159 require "flight time." The terms "pilot time" and "flight time" are not synonymous. A flight instructor who is merely serving as an authorized instructor sitting

outside the compartment of an flight training device or at a console of a flight simulator, or instructing using a PCATD can NOT log this time as pilot time for the purpose of meeting the aeronautical experience requirements of §61.159(a) except in limited amounts as specifically allowed.

Now as per §61.159(a)(5), it does permit the crediting of ". . . Not more than 100 hours of the total aeronautical experience requirements of paragraph (a) of this section may be obtained in a flight simulator or flight training device that represents an airplane, provided the aeronautical experience was obtained in an approved course conducted by a training center certificated under part 142 of this chapter . . ." Or as per §61.159(a)(3)(i) and (ii), you can log 25 or 50 hours, as appropriate, in a flight simulator or flight training device. But again, as per §61.159(a)(5), ". . . Not more than 100 hours of the total. . ." Most instructors will have acquired these credits as a part of their own training received rather than while giving training.

And as for the provisions contained in §61.1(b)(12)(iii):

(12) Pilot time means that time in which a person--
* * *
(iii) Gives training as an authorized instructor in an aircraft, flight simulator, or flight training device.

The intent here is the instructor would need to occupy a pilot station. Never was the rule [i.e., §61.1(b)(12)(iii)] intended to permit the time to be logged while the instructor is sitting at some console or sitting on a chair outside the flight training device compartment.
{q&a-172}

QUESTION 11: What is the FAA's definition of the terms "instrument flight training" [found in §61.65(d)(2)(i)], "instrument flight instruction" [found in §61.51(g)(2)], and "flight instruction" [found in §61.77(b)(2)(iii)]? The terms "flight training" and "instrument training" are both defined in 61.1(b) but the other terms do not appear to be defined in Part 61. What do they mean?

ANSWER 11: Ref. §61.1(b)(10); The only reference on this subject is the definition contained in §61.1(b)(10) and that term is "Instrument training" and is defined as meaning ". . . that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions."

The term "flight instruction" in §61.77(b)(2)(iii) was mistakenly interchanged for "flight training" when drafting the rule. A rulemaking document will correct this error.
{q&a-249}

QUESTION: Can cross country legs of less than 50nm count toward the Part 135 requirements?

ANSWER: Yes, flights including a landing at a point less than 50 nautical miles from and other than the original point of departure can count as a cross country and can be logged as a cross country for Part 135 operations in accordance with §61.1(b)(3)(i). There are

no qualifying distance requirements for a cross country in Part 135. As long as we are NOT talking about an APPLICANT seeking a private pilot, commercial pilot, or airline transport pilot certificate, or an instrument rating, §61.1(b)(3)(i) applies.
{q&a-190}

QUESTION: **W**hat about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved 142 center and a part 61 CFII that had an approved PC and was giving his friend instruction at home in the kitchen. Under 61.1(b)(12)(iii) can they both log pilot time?

ANSWER: Reference §61.1(b)(12)(iii), **YES,** that time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. Note, "pilot time" and "flight time" are **NOT** synonymous.
{q&a-108}

QUESTION 2: Does the 50 NM landing requirement apply to all dual cross country training?

ANSWER 2: Reference §§61.1(b)(3)(ii): **Yes**, each dual cross-country training flight must include **AT LEAST ONE** landing more than 50 NM from the original point of departure.
{q&a-101}

QUESTION: What is the definition or an interpretation of the term "original point of departure" contained in §61.129(b)(3)(iii).

ANSWER: There is no definition of the term "original point of departure" in Parts 1 or 61 or any other FAA publication. Each situation is unique and a definitive definition of "original point of departure" that will cover ALL circumstances and situations is not practicable AND NOT POSSIBLE.

Departure for the purpose of conducting a "round robin" cross-country flight is a normal scenario where "original point of departure" and destination are the same. See {q&a-60} ANSWER 6: The "original point of departure" does not change with a new day or delay.

Other examples include:
1. The purpose of repositioning (emphasis: purpose of repositioning) the aircraft to another airport, to start a cross-country flight in order to meet the 250 nautical miles cross-country requirements of section 61.129(a)(4)(i).

2. A person departs the Los Angeles International Airport on day 1 for the purpose of conducting a cross country flight to the San Jose Airport (emphasis purpose of conducting a cross country flight to the San Jose Airport) and remains overnight. On day 2, that person departs San Jose Airport for the purpose of conducting a cross country flight to the Lake Tahoe Airport (emphasis purpose of conducting a cross-country flight to the Lake Tahoe Airport) and remains overnight. On day 3, that person departs Lake Tahoe Airport for the purpose of conducting a cross country flight to the Los Angeles Intl. Airport (emphasis purpose of conducting a cross-

country flight to the Los Angeles Intl. Airport) for termination. Which airport is the "original point of departure?" All 3 airports would qualify as the "original point of departure."

3. Now in a similar situation, but slightly different, a person departs the Los Angeles International Airport for the purpose of conducting a round-robin (without ever landing enroute) cross-country flight from the Los Angeles International Airport to the San Diego, CA 030° radial at 12 DME to the Yuma, AZ 350° radial at 10 DME and then returns to the Los Angeles Intl. Airport (emphasis purpose of conducting a "round-robin" cross-country flight). Which airport is the "original point of departure?" The Los Angeles International Airport is the "original point of departure". But this cross country flight will not qualify for you applicants in pursuit of a private pilot certificate, commercial pilot certificate, or an instrument rating. However, if this flight were conducted by a pilot who already holds a commercial pilot certificate, the flight is creditable for the ATP certificate cross-country requirement.

Adherence to these strict definitions of cross country and the "original point of departure" is only necessary when the purpose is for crediting cross country aeronautical experience for the furtherance of a pilot certificate and rating. Cross country aeronautical experience acquired in pursuit of a private pilot certificate, commercial pilot certificate, and an instrument rating must meet the requirements of §61.1(b)(3)(ii) or (iii) with a landing beyond 50 nautical miles for airplanes or 25 nautical miles for rotorcraft from the original point of departure. Cross country aeronautical experience acquired in pursuit of an airline transport pilot certificate (except rotorcraft category) must meet the requirements of §61.1(b)(3)(iv) and military pilots' cross country aeronautical experience is addressed in §61.1(b)(3)(v).

If the cross country is NOT being utilized for the purpose of meeting the aeronautical experience for the furtherance of a pilot certificate, then that cross country flight time may be logged in accordance with §61.1(b)(3)(i).

The time logged in a flight simulator or flight training device **CANNOT** be credited toward meeting the cross country aeronautical experience. §61.1(b)(3) states in part, "time acquired during a FLIGHT. . ." and ". . . Conducted in an appropriate AIRCRAFT" Consequently, the time logged in a flight simulator or flight training device cannot be credited toward meeting the cross country aeronautical experience.

{q&a-98}

QUESTION: With the new definition of creditable cross country time in 61.1, an ATP applicant who credited cross country time under the old undefined policy (i.e., no distance requirement) prior to August 4, 1997 does that time still count?

ANSWER: Yes. If the time accrued under the old rule prior to August 4, 1997 was valid, then that time remains valid and may be counted as cross country time even after August 4, 1997. However beginning August 4, 1997, any newly performed cross country time (performed on or after the date of August 4, 1997) must meet the new 50 NM distance requirement per §61.1(b)(3)(iv).

{q&a-33 question # 1};{q&a-40 question # 3};{q&a-8 question #4}

QUESTION 1: Is there a discrepancy between §§61.1(b)(3)(ii) vs. 61.109(a)(5)(ii)?

In §61.1(b)(3)(ii) cross country is ". . . **more than 50 nautical miles** . . ." and in §61.109(a)(5)(ii) cross country appears to be ". . . **at least 50 nautical miles** . . ."

ANSWER 1: §61.1(b)(3)(ii) is the overall rule for defining cross country for the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating) for a private pilot certificate. However, §61.109(a)(5)(ii) is a stand alone rule that requires a private pilot applicant to conduct a cross country that is ". . . . at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations."

{q&a-42}

QUESTION: What are the qualifications to be an "authorized instructor" to give the ground training required for the additional training high performance airplane qualification [see §61.31(g)(1)(i)]?

ANSWER: The rules that govern the answer to your question are contained in §61.1(b)(2) and §61.193. In answer to your specific question, the instructor who gives the ground training required by §61.31(g)(1)(i), may be either a:

(1) US certified flight instructor who holds an airplane single engine or multiengine ratings, as appropriate, and:

(i) Has received the one time endorsement that certifies the instructor is proficient to operate a high performance airplane; or

(ii) Has logged flight time as pilot in command of a high-performance airplane, or in an approved flight simulator or approved flight training device that is representative of a high-performance airplane prior to August 4, 1997.

(2) US certified ground instructor who holds a basic or advanced rating and has received an endorsement from another authorized instructor who certifies the instructor is proficient to give ground training on high performance airplane.

{q&a-44}

QUESTION 6: Is the "original point of departure" subject to change if there is an overnight, extended stay, or the aircraft is left for repair and the pilot returns later to continue the cross-country or bring it home? Does "original point of departure" change with a new day?

ANSWER 6: The "original point of departure" does not change with a new day or delay.

{q&a-60}

61.3

QUESTION: The Botswana DCA is referring to an ICAO document I have not seen, which allegedly states that a foreign registered aircraft may only be flown if the registering country has no objection. The only document I can think of may be referring to commercial operations, however as a private pilot license there is no prohibitive ruling in the Botswana air laws concerning this and as Botswana is an ICAO member, it would appear that the US FAR

61.3(a) clearly demonstrates that the US regulations accept a current certificate from the country on a US airplane operating in that country.

Can I operate as PIC with private pilot license in Botswana on a US registered airplane within Botswana and not breach any FAR's in doing this?

ANSWER: Ref. § 61.3(a); Per 14 CFR §61.3(a), it states, in pertinent part, "(a) Pilot certificate. . . . . However, when the aircraft is operated within a foreign country, a current pilot license issued by the country in which the aircraft is operated may be used."

So, the answer is yes, § 61.3(a) permits you to exercise your Botswana private pilot license in Botswana to fly a US registered airplane and that would be in compliance with § 61.3(a).
{q&a-409}

QUESTION: Is the pilot who is serving as a "Safety Pilot" required to hold a current medical certificate even if the "Safety Pilot" is not going to act as the PIC?

ANSWER: Ref. §61.3(c); Yes, the "Safety Pilot" is required to hold a current medical certificate. In accordance with §61.3(c), ". . . a person may not act as pilot in command OR IN ANY OTHER CAPACITY AS A REQUIRED PILOT FLIGHT CREWMEMBER of an aircraft, under a certificate issued to that person under this part, unless that person has a current and appropriate medical certificate that has been issued under part 67 of this chapter . . ."
{q&a-232}

QUESTION: I contacted Jeppesen and was told the CFI could use a copy of his certificate and a copy of the FAA form 8710-1 during the renewal process, and if questioned concerning this, to reply that his certificate was in the process of being renewed by Jeppesen. Will this work since FAR 61.3(d)(1) requires: "have that certificate in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that flight instructor certificate?"

ANSWER: Ref. §61.3(d)(1); Yes, a copy of his old CFI certificate and a copy of the completed FAA form 8710-1 during the processing period is acceptable. But the completed copy of the FAA form 8710-1 is not even necessary. This policy is allowed in the preamble, of the final rule correction document that was issued in the Federal Register on July 30, 1997, (62 FR 40888; Amdt. No. 61-103) which states: "with the phrase under paragraph (d) "other documentation acceptable to the Administrator" would permit a flight instructor to use a copy of the completed application for renewal to meet the requirements of that paragraph. However, the FAA has determined that the latter document is not necessary. Therefore, a copy of a graduation certificate from a CFI refresher course, without the application for renewal, is acceptable documentation for the purpose of meeting the requirements of paragraph (d)."
{q&a-178}

61.4

QUESTION 1: What is a PCATD?

ANSWER 1: The terms PCATD stands for a "Personal Computer-Based Aviation Training Device." It is a personal computer-based simulation package that consists of flight simulation software and hardware which has been determined to meet requirements as approved by AFS-800 and outlined in Advisory Circular (AC) No. 61-126, "Qualification and Approval of Computer-Based Aviation Training Devices". This AC No. 61-126 establishes acceptable criteria under which instrument aeronautical experience gained in a PCATD may be credited toward an instrument rating.

QUESTION 2: What is the regulatory authority for the use of a PCATD?

ANSWER 2: Ref. §61.4(c); which states "The Administrator may approve a device other than a flight simulator or flight training device for specific purposes."

QUESTION 3: What is involved in gaining FAA's qualification and approval of a PCATD?

ANSWER 3: A manufacturer who desires to gain qualification and approval of a PCATD prepares and submits a PCATD Qualification Guide for the device representing specific single-engine and/or multiengine airplane modules in accordance with the guidance outlined in AC 61-126. This Qualification Guide is evaluated by AFS-800 to determine its acceptability in meeting the applicable parameters stated in the AC 61-126. If the PCATD is found to be acceptable by the desk audit, an on-site evaluation of the device is conducted. When the PCATD is found to meet the requirements of AC 61-126, a letter is issued by AFS-800 that states the PCATD's qualification and approval of replicating specific airplane modules. Any significant changes made to the PCATD's software/hardware combinations or the addition of airplane modules by the manufacturer requires submission of an updated Qualification Guide that must be further evaluated and approved by AFS-800.

QUESTION 4: What are the requirements for using a qualified and approved PCATD under Parts 61 and 141?

ANSWER 4:NOTE that the FAA has **NOT AUTHORIZED** the use of PCATD's for conducting practical tests nor for accomplishing recency of experience requirements.
Use of a PCATD:

(a) Must be used in connection with an integrated ground and flight instrument training curriculum. This means, after the procedure rehearsal using the PCATD, the curriculum calls for motor skill rehearsal in an aircraft, flight simulator, or flight training device.

(b) May be used to provide a MAXIMUM of 10 hours of instrument training that may be creditable toward an Instrument Rating in the appropriate category and class of aircraft, provided the PCATD is representative of that category and class of aircraft.

(c) May be used for training, provided the training in the PCATD was given by an authorized instructor [i.e., §61.1(b)(2)].

(d) May be used for instrument training, provided the training given consists of the procedural maneuvers listed in Appendix 1 of AC 61-126.

(e) May be used under Part 61, and the curriculum used need not be approved by FAA , but it must meet the scope and content of a curriculum as if it were approved by FAA.

(f) May be used under Part 141, but the curriculum must be structured to incorporate the PCATD and used in a curriculum that has been approved by FAA

QUESTION 5: How should aeronautical experience gained in a PCATD be logged in a pilot's logbook and/or training record?

ANSWER 5: To be creditable under Parts 61 or 141, aeronautical experience gained in an approved and qualified PCATD may not exceed 10 hour of instrument training and should be logged as "Simulated Instrument Time," and "Training Time Received" in a PCATD. It shall NOT be logged as flight time. Again, note that the FAA has **not authorized** the use of PCATD's for conducting practical tests nor for accomplishing recency of experience requirements.

{q&a-269}

QUESTION 4: Will flight schools still be permitted to use old ground trainers previously permitted prior to the issuance of this final rule and the definition in § 141.41? Can students still receive training credit when they are performing the training in these old ground trainers?

ANSWER 4: Yes, per §61.4(b), as long as these old ground trainers were approved for use in the school's approved Part 141 course prior to August 1, 1996, can be shown to function as originally designed, and provided it is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval. And yes the students will receive the same credit.

{q&a-45}; {q&a-7 question #11}

61.5

INFORMATION: Implementation of the new Parts 61 and 141 final rule and specifically the new powered-lift rating.

Manager, General Aviation and Commercial
Division, AFS-800

All Regional Flight Standards Division Managers, AFS-200, AFS-600, AFS-700, AEU-200, and AAC-950

On August 4, 1997, the new Parts 61 and 141 became effective. Recently, it was discovered that one of our offices have attempted to issue a powered-lift rating. A powered-lift is defined in Title 14 of Part 1 of the Code of Federal Regulations as: Powered-lift means a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends

principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on nonrotating airfoil(s) for lift during horizontal flight.

However, at this time there are no US civilian certificated powered-lift aircraft. Additionally, we do not have an approved Practical Test Standard to conduct practical tests in a powered-lift. Therefore, until a US civilian certificated powered-lift is established and also an approved Practical Test Standard is established to conduct practical tests in a powered-lift, no powered-lift ratings will be issued.
Sincerely,
Louis C. Cusimano
{q&a-87}

QUESTION: A flight school in Texas is telling customers they cannot obtain a type rating in small helicopters any longer. Is this correct?

I am asking because the preamble for part 61 references aircraft type ratings in Advisory Circular 61-89D and this AC contains the applicable type ratings for small helicopters that can be issued to holders of an ATP. Reference 14 CFR part 119.25 (a), and 135.243 (a) (2) you do need "an ATP pilot certificate, with appropriate type ratings and instrument rating" for "Interstate, Commuter Operations".

ANSWER: Yes, they are correct. Reference §61.5(b)(5). Notice section 135.243(a)(2) states, in pertinent part, " . . . appropriate type ratings, . . ." Because of the change to §61.5(b)(5), there are NO "appropriate type ratings" for small helicopters any longer. The only "appropriate type ratings" are for "Large aircraft other than lighter-than-air aircraft" and "Other aircraft type ratings specified by the Administrator through the aircraft type certification procedures" The requirement for type ratings in small aircraft (i.e., small helicopters) was deleted. Persons who hold type ratings in small helicopters, may retain the ratings. We won't take the ratings away from those who already hold the ratings.
{q&a-15}; {q&a-37}

61.13

QUESTION: Two CFI renewal files were returned to us because the "Airman Certificate and/or Rating Application" (FAA Form 8710-1) did not have the DOT emblem printed on the form. The application forms were printed using the FAA Approved Forms Flow Software. All the other information was correct in the renewal packages.

If Forms Flow Software is approved by the FAA and available on the AVR Web Site to use for renewal purposes and if all the information was correct on the application, except the DOT emblem is not printed on the form; then, would it be possible to waive the requirement of the DOT Emblem?

ANSWER: Ref. § 61.13(a); No, it is not possible to waive the requirement of the DOT emblem on the "Airman Certificate and/or Rating Application" (FAA Form 8710-1). I checked the Flight Standards Home page just now. The "Airman Certificate and/or Rating

Application" (FAA Form 8710-1) is directly connected to AFS-650's forms page. The "Airman Certificate and/or Rating Application" (FAA Form 8710-1) does have the DOT seal on it. There was a period of time when the form flow application did not show the DOT seal. However, it has been corrected and Flight Standards Home page now has the official "Airman Certificate and/or Rating Application" (FAA Form 8710-1) corrected on its home page with the DOT seal. If you need updated form flow software, please contact AFS-650, (314)890-4847 and that office will be glad to help you.

There are several companies marketing their own application products and some of those applications do not meet the standards of our "Airman Certificate and/or Rating Application" (FAA Form 8710-1). We are rejecting these applications, in accordance with § 61.13(a) which requires ". . . must make that application on a form and in a manner acceptable to the Administrator." The official "Airman Certificate and/or Rating Application" (FAA Form 8710-1) must have the DOT seal.
{q&a-397}

QUESTION 3: Part 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) all provide relief from the requirement to be able to read, speak, write, and understand English if the reason is medical. The regulatory provision permits the administrator to add operating limitations to the airman's pilot certificate. The way these provisions are written and with the lack of handbook guidelines on how the field inspector is to apply this "medical determination", the field inspector is required to make "medical determinations" that he may not be qualified to make. This concern could be solved with handbook information or even a handbook bulletin that would provide some guidance to the field inspector.

ANSWER 3: Ref. §61.13, §61.83(c), §61.96(b)(2), §61.103(c), §61.123(b), and §61.153(b); Medical limitations where it states ". . . If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft." Well, there is some degree of guidance in FAA Order 8700.1, Chapter 27. However, ". . . medical reasons . . ." can be a number of reasons. In placing ". . . such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft . . ." if the ASI needs guidance as to what operating limitations should be placed on the pilot certificate then the Regional Flight Surgeon's office should be consulted for advice or with us here in AFS-840. However, we pay ASIs, not just for their piloting skills, but for their ability to exercise common sense. As for example, when testing an applicant with hearing impairments, COMMON SENSE would dictate that an operating limitation should be placed on the person's pilot certificate that it is not valid in airspace requiring radio communications. The pilot could only fly in such airspace with a qualified person acting as PIC on board to hear air traffic instructions. Or if the applicant has a missing leg(s), then COMMON SENSE would dictate that an operating limitation should be placed on the person's pilot certificate that requires the pilot to have the aircraft properly equipped and that specific manufacture's equipment should be identified on the pilot certificate. COMMON SENSE is a must in handling these situations.
{q&a-309}

QUESTION: Per FAA Order 8710.3C, Fig. 17-1, page 17-6, it seems to require than ACRs check boxes 2, 3, and 4 in the "Designated Examiner's Report" section of the FAA Form

8710-1 application. In the case of some flight instructor refresher clinic (FIRC) out-study programs that are being performed over the Internet, an ACR would not even see the applicant's logbook. In fact, I would venture to guess that most flight instructor refresher clinics, even those that the applicant appear in person) do not bring their logbook. So, how can ACRs be expected to check box 2 that states "I have personally reviewed this applicant's pilot logbook, and certify that the individual meets the pertinent requirements of FAR 61 for the pilot certificate or rating sought????" Or do we want to make a statement that FIRC attendees must furnish the appropriate record or a statement to show that block 2 does not need to be checked when an airman graduates from an FIRC until FAA Order 8710.3 can get changed?

ANSWER: Ref. §61.13(a) and FAA Order 8710.3C, Fig. 17-1, page 17-6; I agree that the example shown in FAA Order 8710.3C, Fig. 17-1, page 17-6 would require an ACR to, in effect, perjure themselves by checking box 2. The example (Fig. 17-1, page 17-6) is a mistake.

In discussing this matter with AFS-840, ACRs should discontinue checking box 2 unless the ACR has personally reviewed the applicant's pilot logbook. Therefore, until FAA Orders 8710.3C and 8700.1 get changed, ACRs will only be required to check boxes 3 and 4. As for the words ". . . have personally tested . . ." would not be applicable to an ACR's duties, but the ACR can and should be able to comply with the other portion of that statement "I have personally . . . or verified this applicant in accordance with pertinent procedures and standards with the result indicated below."
{q&a-306}

QUESTION: If a student is color blind, will he/she be restricted from flying at night? Or will the person never be able to get a pilot certificate? If there is simply a limitation, does the limitation go on the person's pilot certificate or on the person's medical certificate?

ANSWER: Reference §61.13(b). This person must have all the night training required per §§61.109. However, the use of the certificate will be appropriately limited per Order 8700.1, Volume 2, Page 27-6, Paragraph 5.G or H. The "night flying prohibited" limitation goes on the person's medical certificate when issued because of the medically documented deficiency per 61.13(b).
{q&a-218 question #3}; {q&a-60 question #21}

QUESTION: FAA Inspectors have, in the past, made a determination concerning reading, speaking, and understanding the English language, but not relating to a medical limitation. Is it the intent of these rules that refer to the phrase "medical reason" that the medical reason be identified based on the Medical Examiner's physical or is it the intent that an Operations Inspector identify the medical reason and place an appropriate limitation on the Pilot Certificate. Each language requirement in §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) refer to making a medical decision and placing an appropriate limitation on a Pilot Certificate.

ANSWER: Ref. §61.13(b) as it applies to §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2). It is expected that an FAA Inspector identify, consider, and evaluate the "medical reason" at the time he or she issues the pilot certificate. This "medical reason" should appear on the applicant's medical certificate in accordance with

§6113(b)(ii) as a limitation. The term "medical reason" is contained in the text of §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) and additionally in §61.183(b) and §61.213(a)(2) and states "If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft" (e.g., Not valid for flights requiring the use of a radio). This limitation may only appear on the pilot's medical. The purpose of establishing "medical reasons" in the rule language was to make allowances for persons with medical disabilities such as hearing and speech disabilities due to medical reasons. It was never the intent of this rule to be discriminatory. This is the purpose of allowing operating limitations on an applicant's pilot certificate as found necessary for the safe operation of the aircraft.

{q&a-204}

61.23

QUESTION: I have situation where a student pilot is applying for a private pilot certificate-airplane single engine land. His student pilot certificate expired nine months ago, but the 3rd class medical portion of the student pilot certificate is still current because he is under 40 years of age. Do I reissue the student pilot certificate prior to administering the practical test for the private pilot certificate-airplane single engine land rating? Does the aeronautical experience that was obtained after the student pilot certificate expired now becomes invalid since the student did it on an expired student pilot certificate?

ANSWER: Ref. §61.19(b) and §61.23(c)(3)(ii)(A); Reissue a student pilot certificate to the applicant and perform the practical test. And the answer is no, the aeronautical experience does not become invalid. That time is creditable.

The disconnect between the duration of the student pilot certificate and the medical certificate duration was a bureaucratic mistake of the FAA's. When §61.23(c)(3)(ii)(A) was issued, we should have revised §61.19(b). We have since noticed that mistake and that revision is already in an NPRM that is being developed for the next round of refining changes to Part 61.
{q&a-313}

QUESTION: Is an airman who serves as safety pilot in accordance with 91.109(b) required to have a current medical certificate in their possession, and indeed, be medically qualified even if the "Safety Pilot" is not going to act as the PIC?

ANSWER: YES. Reference §61.3(c)(1). The safety pilot is a required crew member per 91.109(b) and is therefore required to hold at least a current 3rd class medical certificate per §61.3(c)(1) even if he/she is not acting as the PIC.

{q&a-293}; {q&a-232}

QUESTION 1: What are the medical requirements for CFI and do we need to get information out to clarify requirements?

ANSWER 1: The medical requirements for the CFI are covered in §61.23. In fact, ALL medical certification requirements are covered in §61.23.

QUESTION 2: What class of medical certificate is needed to take the CFI practical test?

ANSWER 2: Assuming the CFI applicant will be PIC during the practical test, at least a 3rd class medical certificate is required. Review the §§61.23(a)(3)(iv) and 61.39(a)(4). **However, IF** a designated pilot examiner **AGREES** to act as the PIC on the practical test as allowed by §61.47, then a medical would **NOT** be required as per §61.23(b)(5) and §61.39(a)(4).
{q&a-61 questions #1 & 2}; {q&a-104}

QUESTION: You state that the FAA Flight Standards Service (AFS) recently changed its policy regarding FAA medical certificate requirements for an Aviation Safety Inspector (ASI); an ASI only needs to possess a third-class medical certificate. Prior to the AFS policy change, a second-class medical certificate was required for an ASI. You state that an ASI receiving training at Hangar 6 acts as a required crewmember, second in command, in accordance with the airplane flight manual (AFM) limitations. In addition, the ASI, while actively participating in this flight training, is being compensated in many forms by the FAA (salary, per diem, lodging, transportation, logging of flight time). Also, you provide in your letter that the recurrent flight courses conducted by Hangar 6 are required events, that Hangar 6 operates its fleet as civil aircraft not public aircraft, and that the ASI receives the recurrent training in flight in airplanes and not in flight simulators.

Accordingly, you seek a legal opinion regarding whether an ASI, who holds only a third-class medical certificate, is allowed to act as a required pilot flight crewmember while receiving compensation under 14 CFR.

ANSWER: Ref. §61.23(a)(2) and §61.133(a)(1)(ii); The answer is no, an ASI who only holds a 3rd class medical certificate is NOT allowed to act as a required pilot flight crewmember while receiving compensation under 14 CFR §61.133(a)(1)(ii).

Section 61.23 (14 CFR section 61.23) sets forth the medical certificate requirements for pilots. This section provides, in pertinent part, that a person exercising the privileges of a commercial pilot certificate must hold at least a second-class medical certificate and that a person exercising the privileges of a private pilot certificate must hold at least a third-class medical certificate.

Section 61.117 (14 CFR section 61.117) sets forth the privileges and limitations of the holder of a private pilot certificate: second in command. That section provides, in pertinent part, that a person who holds a private pilot certificate may not, for compensation or hire, act as second in command of an aircraft that is type certificated for more than one pilot, nor may that pilot act as second in command of such an aircraft that is carrying passengers or property for compensation or hire. Section 61.117 does provide for the exceptions to the above (incidental business activity, expense sharing, charitable airlifts, search and location missions, glider towing), however, none of the exceptions are applicable based on the facts presented in your letter.

An ASI, when acting as a required pilot flight crewmember, whether he or she is providing pilot examinations or evaluations, or is receiving training as part of his or her job, is exercising the

privileges of a commercial pilot certificate and needs to hold at least a second-class medical certificate. The ASI is exercising the privileges of a commercial pilot certificate because he or she is acting as a required pilot flight crewmember and is receiving compensation related to that authority. The ASI is receiving compensation in the form of his or her salary. Piloting activities are integrally related to the ASI job function. Acting as a required pilot flight crewmember during pilot examinations and evaluations, as well as acting as a required pilot flight crewmember during recurrent flight training courses, are a foreseeable and normal part of the job duties of an ASI; they are not incidental or casual and unimportant part of the work of an ASI. In addition, an ASI is receiving compensation in the form of recurrent flight training, per diem and lodging during the recurrent flight training, transportation to and from the recurrent flight training, logging of flight time during the recurrent flight training, and any additional rating the ASI obtains from the recurrent flight training

Accordingly, an ASI that acts as a required pilot flight crewmember when performing the functions of his or her job, including training, is exercising the privileges of a commercial pilot certificate and must hold at least a second-class medical certificate.

In reviewing your concern, we met with representatives from AFS-800 to review the "recent AFS policy change" that you mentioned in your letter. AFS-800 provided us with a memorandum, dated January 22, 1997, that discussed a policy change regarding the medical certificate requirements for an ASI. In this memorandum, it states that "third class medicals will meet the recurrent medical requirements for operations inspectors, ***with the exception of those inspectors who are performing crewmember functions that require a second class medical***." (Emphasis added.) AFS-800 stated that this guidance was needed to address an ASI that does not need to act as a required pilot flight crewmember (e.g. an ASI that works only on flight simulators or flight training devices or an ASI that never acts as a required pilot flight crewmember). AFS-800 concurred that an ASI, who holds only a third-class medical certificate, is not allowed to act as a required pilot flight crewmember when performing the functions of his or her job, including training.
Answered by: Donald P. Byrne, FAA's Assistant Chief Counsel, Regulations Division, AGC-200
{q&a-287}

QUESTION 1: Does the requirement, ". . . to certify that he has no known medical deficiency. . ." in the box W of the FAA Form 8710-1 application still exist for applicants of balloon or glider ratings?

ANSWER 1: Ref. §§61.23; 61.53; No, the requirement no longer exists. On the new application form now being developed, this block will be deleted. In the interim, the rule applies.
{q&a-136}

QUESTION: Does a CFI even need a medical certificate to give flight training?

ANSWER: Depends on the situation.

Reference §§61.3(c)(2)(iv); 61.23(b)(5). NO, when exercising the privileges of a flight instructor certificate if the person is not acting as pilot in command or serving as a required pilot flight crewmember.

Reference §§61.3(c)(1) & 61.23(a)(3)(iv) YES, at least a current 3rd class medical certificate when giving instruction to a student pilot (instructor must be PIC), or to anyone while that person is using a view limiting device (instructor is the safety pilot).
{q&a-61 question #3}; {q&a-67 question #2}

QUESTION 20: When I'm giving a flight test in a R-22 and the person doesn't meet the SFAR-73 requirements to act as PIC then I act as PIC. Therefore, the applicant is not exercising any pilot privileges. 61.39(a)(4) says "Hold at least a third class medical certificate if a medical is required". I understand this to mean that a medical certificate is not required and he would not need one to take this practical test. Is this correct?

ANSWER 20: NO. The applicant is required to have at least a third class medical per 61.23 (a)(3) and 61.39(a)(4). The referenced 61.39(a)(4) "if a medical is required" relates to the fact that balloon and glider pilots do not have a medical certificate requirement.
{q&a-60}

61.29

QUESTION 4: §61.29(d)(3) requires a person requesting replacement of an airman certificate, medical, or knowledge report to include their social security number with the request. Should this be optional?

ANSWER 4: §61.29(d)(3) reads as follows:

"(d) The letter requesting replacement of a lost or destroyed airman certificate, medical certificate, or knowledge test report must state:"

* * * * *

"(3) The social security number."

However, we agree this was a mistake, because the old §61.29(a)(1) had the words "(if any)" The next correction NPRM we will try to get it changed to say "if required." We know our unwritten policy guidance provides for people who don't want the FAA to know their social security number.
{q&a-30}

61.31

QUESTION: I was given about 25 hrs of dual in a high performance and complex Mooney in 1995. The flight instructor logged my dual flights but did not put a formal endorsement in the back of my logbook. Subsequently I logged PIC time in this airplane before August 4. 1997. Do I need a formal endorsement to fly a high performance or complex airplanes?

ANSWER: Ref. §61.31(e)(2) and (f)(2); Yes, you need an instructor endorsement to act as a PIC in a complex airplane and high performance airplane. Granted in both §61.31(e)(2) and (f)(2), it states in pertinent part, ". . . has logged flight time as pilot in command of a . . . [high-performance airplane] [complex airplane] . . . prior to August 4, 1997 . . .," but you in fact were never qualified to act as pilot in command time in the high-performance airplane or in the complex airplane as your instructor for whatever reason determined to not give you the required endorsement. You must now comply with §61.31(e)(1)(ii) and/or (f)(1)(ii), as appropriate before acting as pilot-in-command in a complex and/or high performance airplane. From a safety point of view, it does not appear reasonable for you to attempt to ACT as pilot in command of a high-performance airplane or in the complex airplane when you have not completed the required training. Furthermore, it is doubtful that you could even find an insurance company that would provide you with insurance or an FBO that would rent you their airplane.
{q&a-325}

QUESTION: I hold Private Pilot Certificate with an Airplane Single Engine Land rating. I have Medical Certificate 3rd Class My current Flight Review was completed 10/7/99. The purpose of providing this personal information is to show that I am a licensed private pilot with current medical and BFR, important facts for the question to be asked of you.

I am building a single-place gyroplane from a kit approved by FAA as meeting the "major portion" requirement of 14 CFR Part 21, specifically Section 21.191 (g). I will be licensing my single-place gyro in the Experimental Category and will fly it under my Private Pilot Certificate.

FAR 61.31 (k) (2) says, "The rating requirements of this section [i.e., section 61.31] do not apply to --

> (iii) The holder of a pilot certificate when operating an aircraft under the authority of an experimental or provisional aircraft type certificate."

According to FAA 61.31 (k) (2) (iii), I can legally fly my single-place gyroplane with an Experimental certificate under a Private Pilot License rated for Airplane Single Engine Land.

My question is: What should I do so that the FAA knows I am flying legally if there were a ramp check of me and my gyro? Should §61.31(k (2)(iii) be specifically referenced in the Experimental Airworthiness Certificate under "Operating Limitations" for this particular aircraft?

ANSWER: Ref. §61.31(k)(2)(iii); As per §91.319(e), it depends on the limitations that have been incorporated in the letter of operating limitations that gets issued with the aircraft's experimental airworthiness certificate. The pilot will have to comply with those limitations. And if the limitations says his experimental airworthiness certificate is predicated on him holding a Rotorcraft-Gyroplane rating then that is what he'll have to hold. Regardless of what §61.31(k)(2)(iii) appears to say, the pilot still has to comply with §91.319(e) and the letter of operating limitations. And normally, in that letter of operating limitations, the FAA always establishes a category and class rating for operating an experimental aircraft.
{q&a-322}

QUESTION: What are the ratings needed to fly an amphibious airplane (Lake, Grumman Goose, etc.)? Does the PIC need both land and sea ratings, or can the pilot operate with only one of the ratings if operations are only to/from the surface on which the pilot is rated? I'd appreciate an "official" view. And we're not looking at ME vs SE -- let's assume we're talking about a Lake Buccaneer, and a pilot with only PVT-ASEL flying off land, or only PVT-ASES flying off water.

ANSWER: Reference §61.31(d)(1). Only the appropriate rating (land/sea) is required. To operate an amphibious airplane for water operations using the float landing gear, one must hold the Airplane Single Engine Sea or Airplane Multiengine Sea rating, as appropriate. To operate an amphibious airplane for land operations using the wheeled landing gear, one must hold the Airplane Single Engine Land or Airplane Multiengine Land rating, as appropriate.
{q&a-317}

QUESTION: Ref. §61.31(b); The scenario is that I have a pilot who is type rated in a M-404. The aircraft's airworthiness certification basis for the M-404 is CAR Part 4b (or now 14 CFR Part 25). Does the pilot need a §61.58 check? If so, does the pilot need to get with an authorized instructor/PPE and get proficient, and then take the check? Or does the pilot need only to go to the FSDO and get a temporary letter of authorization (LOA) for flight training?

ANSWER: Ref. §61.31(b); Yes, the pilot needs to accomplish a §61.58 PIC proficiency check. An yes, the pilot needs to get with an authorized instructor and get proficient, and then take the §61.58 PIC proficiency check with an Examiner.

FAA Order 8700.1, Chapter 32 pertains to issuing letters of authorization (LOA) for operating an aircraft for which no civilian type designation exists for that specific aircraft. As in the case of operating an aircraft that only holds an experimental airworthiness certificate.

FAA Order 8700.1, Chapter 33 applies to issuing letters of authorization (LOA) for operating an aircraft that requires a pilot to hold a type rating [i.e., §61.31(a)] in that type of aircraft, but no type rating exists. As in the case of industry pilots and FAA Inspectors who have airman/aircraft certification responsibility and need some FAA qualification status in that particular type of aircraft before a pilot certificate type designator is established for the aircraft. As in the case of conducting an Flight Standardization Board on a newly manufactured aircraft before it receives its initial type designator certification.
{q&a-260}

QUESTION: Ref. §61.31(g)(2); Is the purpose for the additional **flight** training to operate pressurized aircraft capable of operating at high altitudes to receive training on the flight characteristics of pressurized aircraft or to receive training on the pressurization systems of pressurized aircraft?

ANSWER: The purpose is to receive training on both the ". . . operation of a pressurized aircraft . . ." [i.e., §61.31(g)(2)] and also the pressurization systems of pressurized aircraft. The history behind this rule was to respond to an NTSB safety recommendation that involved some accidents in the 1980's that involved pilots who had relatively limited experience

in these turbojet airplanes that were also pressurized. Thus, the FAA issued §61.31(g) in response to the NTSB's safety recommendation.
{q&a-256}

QUESTION: Thank you for your letter dated April 20, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding the logging of pilot-in-command time. Specifically, whether a pilot needs to have the appropriate 14 CFR section 61.31 endorsements before he or she can properly log pilot-in-command time under 14 CFR section 61.51(e).

In your letter you state that you are "concerned with the answers given by John Lynch, AFS-840, through his Frequently Asked Questions 14 CFR, PARTS 61 & 141 website," regarding the 14 CFR section 61.31 endorsements and the logging of pilot-in-command time under 14 CFR section 61.51(e). In this website, Mr. Lynch was given the following scenario: a person holds a private pilot certificate with a single-engine land rating. This pilot is obtaining training in a single-engine land airplane that is also a complex or high performance airplane. The question asked was whether this person could log the time he or she manipulated the controls as pilot-in-command time. Mr. Lynch stated that this person could not log pilot-in-command time under 14 CFR section 61.51(e) in a single-engine land airplane that is also a complex or high performance airplane, without having the appropriate endorsements required under 14 CFR section 61.31. This answer is incorrect.

ANSWER: Ref. §61.51(e)(1)(i); Before discussing this issue, please note that Mr. Lynch's website is an informational website provided by the Flight Standards Service (AFS). It is not a legal site and the Office of the Chief Counsel does not review it. Accordingly, information provided on his website is not legally binding.

14 CFR section 61.51(e) governs the logging of pilot-in-command time. This section provides, in pertinent part, that a private pilot may log pilot-in-command time for that flight time during which that person is the sole manipulator of the controls of an ***aircraft for which the pilot is rated***. (Emphasis added)

The term "rated," as used under 14 CFR section 61.51(e), refers to the pilot holding the appropriate aircraft ratings (category, class, and type, if a type rating is required). These ratings are listed under 14 CFR section 61.5 and are placed on the pilot certificate.

Therefore, based on the scenario given to Mr. Lynch, a private pilot may log pilot-in-command time, in a complex or high performance airplane, for those portions of the flight when he or she is the sole manipulator of the controls because the aircraft being operated is single-engine land and the private pilot holds a single-engine land rating. Note, while the private pilot may log this time as pilot-in-command time in accordance with 14 CFR section 61.51(e), he or she may not act as the pilot in command unless he or she has the appropriate endorsement as required under 14 CFR section 61.31.

14 CFR section 61.31 requires a person to have an endorsement from an authorized instructor before he or she may act as pilot in command of certain aircraft (a complex airplane, a high performance airplane, a pressurized airplane capable of operating at high altitudes, or a tailwheel

airplane). These endorsements are not required to log pilot-in-command time under 14 CFR section 61.51(e).

As you stated in your letter, there is a distinction between acting as pilot in command and logging pilot-in-command time. In order to act as pilot in command, the pilot who has final authority and responsibility for the operation and safety of the flight, a person must be properly rated in the aircraft and be properly rated and authorized to conduct the flight. In order to log pilot-in-command time, a person who is the sole manipulator of the controls only needs to be properly rated in the aircraft.
{q&a-288} [Replaces q&a-228]

QUESTION: The situation is I want to give training and the required endorsement for operating pressurized aircraft capable of operating at high altitudes, as per §61.31(g). I have access to a Boeing 737 flight simulator. Will this Boeing 737 flight simulator suffice for this training?

ANSWER: Ref. §61.31(g)(2); YES, a Boeing 737 flight simulator will suffice for this training. As it states, in pertinent part, in §61.31(g)(2):

> ". . . that person has received and logged training . . . . or in a flight simulator or flight training device that is representative of a pressurized aircraft . . ."

However, this Boeing 737 flight simulator must first have been "evaluated" and "qualified" by the FAA's Flight Standards Service's National Simulator Program Office, AFS-205, plus evaluated and authorized by the appropriate (local) Flight Standards District Office.
{q&a-214}

QUESTION: We were asked the following questions by a person who has a commercial pilot certificate with ASEL, AMEL, and Instrument Rating. Reference §61.31(e)(2)(iii).

(1) I am building a gyrocopter. What kind of authorization do I need to fly it?

(2) How can I get a gyrocopter rating added to my pilot certificate?

I talked to Ben Owens at EAA Headquarters. He indicated that the above referenced regulation would allow the person building the gyrocopter (I believe they are called gyroplanes) to fly it with only an authorization from this office. However, he pointed out AC 20-27D, Append 9, Para 9, Sample List of Operating Limitations which require a Category/Class Rating OR a letter of authorization from this office. He felt that most FSDOs were requiring the individual to have the category/class rating before flying it. How do you folks feel???

As regards question (2), I discovered an organization called the "Popular Rotorcraft Association" which apparently has several gyroplane instructors and pilot examiners around the states that could give training and a checkride in a gyroplane. Is this the best way to go for this person building this "gyrocopter??"

ANSWER: Ref. §61.31(k)(2)(iii) and §61.63(b); In accordance with §61.31(k)(2)(iii), I assume this gyrocopter is " . . . operating an aircraft under the authority of an experimental or provisional aircraft type certificate . . ."

If so, this person already has the authority to operate the aircraft as far as having the required pilot certificate, because you said the person holds a commercial pilot certificate. But additionally, the person must comply with the conditions and limitations that are contained on his aircraft's experimental or provisional aircraft type certificate.

Now, if the person seeks to add a rotorcraft-gyroplane rating onto his pilot certificate, the rule that applies here is §61.63(b).
{q&a-159}

QUESTION 2: Situation is an applicant who holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. To show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i) how can the applicant obtain and log that PIC time in a helicopter?

ANSWER 2: Ref. per §61.51(e) or §61.31(d); The PIC time would have to be obtained:

a. Already hold a helicopter rating at the private pilot level. Then PIC time can be logged while flying solo and/or while manipulating the control as per §61.51(e)(1)(i) when the flight instructor is on board; or
b. Be the sole occupant of the aircraft and have a current solo endorsement in accordance with §61.31(d)(3).

QUESTION 3: I am private pilot with an airplane single engine land rating. I am seeking to add a helicopter rating. Can I log the time as PIC while manipulating the controls with my instructor on board as in §61.31(d)(2)?

ANSWER 3: No. You cannot log the time as PIC while his instructor is on board since you are not rated in the aircraft, see §6151(e)(1)(i). There is nothing wrong with the way §61.31(d)(2) has been written. To "**serve"** as the pilot in command while receiving training does not authorize logging PIC. There has always been a difference between logging PIC time vs. acting/serving as PIC.
{q&a-146}

QUESTION 1: Is it possible that a student pilot could take the practical test for a private pilot certificate in a tailwheel airplane without ever having received or logged wheel landings or have flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings? Part 61.31 (i) requires a pilot-in-command of a tailwheel airplane to have received and logged wheel landings. However, Part 61.31(k)(2)(ii) excepts holders of student pilot certificates from 61.31(i)(1)(ii).

ANSWER 1: Reference §61.107(b)(1)(iv). Most certainly, the applicant would have to exhibit skill and proficiency in wheel landings. A student pilot applying for a private pilot

certificate using a tailwheel airplane shall comply with §61.107(b)(1)(iv), and one of the tasks in that area of operation (see FAA-S-8081-15; Private Pilot PTS on pages 1-11 thru -14) would involve "Exhibits knowledge of the elements related to a . . . and landing", and §61.107(a) requires the training be received and logged. §61.31(k)(2)(ii) is a stand alone rule, completely independent of §61.31(i)(1)(ii).
{q&a-97}

QUESTION 2: Reference §61.31(f). Situation is, a person completed a high performance checkout in a Piper Cherokee with a 180hp engine prior to August 4, 1997. The endorsement says it is for a high performance airplane checkout. Can we accept this checkout for a high performance airplane checkout, in accordance with §61.31(f)?

ANSWER 2: No; per §61.31(f). A Piper Cherokee with a 180hp engine IS NOT A HIGH PERFORMANCE AIRPLANE. As you stated, it has a retractable landing gear, flaps, and a controllable pitch propeller, but it does not have AN ENGINE with more than 200 horsepower. So, the endorsement is good for the §61.31(e) checkout (i.e., complex airplane), but not for the high performance airplane checkout.
{q&a-89}

QUESTION: Does 61.31(f) apply only to single engine airplanes? Almost all multiengine airplanes have more than 200 total horsepower.

ANSWER: Read §61.31(f). It is says airplane. It doesn't say single engine airplane, it doesn't say multiengine, it says "airplane." As long as some place on that airplane you can find at least ONE engine that is more than 200 horsepower then it is a high performance airplane.
{q&a-22}

QUESTION 1: Does a pilot have PIC privilege in a high performance aircraft (e.g. C-182) if a "high performance" endorsement was received before Aug. 4, 1997 as the result of training in a 180hp Piper Arrow and the pilot has NEVER flown an aircraft with an engine having more than 200 hp?

ANSWER 1: He does not have PIC privileges in a high performance airplane. Per §61.31(f)(2) says ". . . has logged flight time as pilot in command of a high performance airplane. . . prior to August 4, 1997." And §61.31(f)(1) says a high performance is ". . . (an airplane with an engine of more than 200 horsepower). . ." A 180 hp Piper Arrow does not meet the definition of a high performance airplane.

QUESTION 2: Conversely: Does a pilot have PIC privilege in a complex aircraft (e.g. Piper Arrow) if a "high performance" endorsement was received before Aug. 4, 1997 as the result of training in a Cessna 182 and the pilot has NEVER flown an aircraft with retractable landing gear?

ANSWER 2: No, he does not have PIC privileges in a complex airplane. Per §61.31(e)(2) says " . . . has logged flight time as pilot in command of a complex airplane . . . prior to August 4, 1997." And §61.31(e)(1) says a complex airplane is ". . . (an airplane that has

a retractable landing gear . . .)" A fixed gear Cessna 182 does not meet the definition of a complex airplane.
{q&a-64}

QUESTION 1. If a Private Pilot is acting as SIC in a complex airplane, does that pilot need the complex endorsement?

ANSWER 1. No; But §61.55 may apply, if a SIC is required.
{q&a-67}

QUESTION: In the definition of a high-performance airplane what about a multi-engine aircraft with two engines of 200 hp? Was it your intention that a 400 hp aircraft not qualify as high-performance because it derives that 400 hp from more than one engine?

ANSWER: Please review the new §61.31(f) which states, in pertinent part, ". . . an engine . . ." So if that multiengine airplane doesn't have "an engine" of more than 200 horsepower then it isn't a high performance airplane. In your example, you state that both engines are exactly 200 horsepower. Therefore, IT IS NOT A HIGH PERFORMANCE AIRPLANE.

{q&a-24}

QUESTION 1: Is a Piper Senaca II a high performance airplane. The Piper Senaca II AFM says its engines are rated at 200 horsepower at sea level and increase in altitude up to 215 horsepower at 12,000.

ANSWER 1: It is a high performance airplane. The rule states, in pertinent part, " . . . (an airplane with an engine of more than 200 horsepower) . . ." And as you stated, the Piper Senaca II is "an airplane with **an engine** of **more than 200 horsepower**." The rule does not differentiate where the engine has to be more than 200 horsepower, it just says "**an engine** of **more than 200 horsepower**."
{q&a-59}

QUESTION 1: Please confirm. Is it true that if you logged "complex" PIC under the old rule with the old "high performance" endorsement, you will not be eligible to PIC a high performance airplane under the new rule unless some of that "complex" time involves an aircraft that has at least one engine with more than 200 HP?

ANSWER 1: Reference §61.31(f) and (g) Yes. Some PIC time logged in an airplane with an engine with more than 200 HP before August 4, 1997 would also be required. However, if the person showed PIC time before August 4, 1997 in a Cessna 210RG, then that airplane would meet the requirement for both the "complex airplane" and the "high performance airplane" and the "old high performance" endorsement would still be valid for both complex and high performance.

{q&a-8}

QUESTION 3: Now that "AERO TOW ONLY" and "GROUND LAUNCH ONLY" are obsolete, should we reissue all certificates with glider ratings to read "(PVT/COM'L) PRIVILEGES--GLIDER"?
I have a GLIDER-AERO TOW. If I act as PIC during a ground launch after getting a CFI endorsement and if I don't get my certificate reissued-- wouldn't I be in violation of a restriction on my certificate, even though I'm in compliance with the rule.

ANSWER 3: [§61.31(k)] Order 8700.1, Change 17 is being drafted to address that issue. But you can have the limitations removed when you have your certificate re-issued, or you can apply right now to have it reissued without the limitation, or if you never get your certificate re-issued you can keep the limitation. It makes no difference. §61.31(k) is the rule that addresses your question.
{q&a-8}

61.33

QUESTION: Here is the running dialog that we have had with AFS-200 concerning group orals during 135 checks. The reason that this arose is because of the conflicting guidance in several of our publications. Since many of these 135 checks are given concurrently with a type rating ride at the end of the course, we would like to know whether this policy applies to a plain Part 61 type rating check. FlightSafety admits that they can not recall the last time anyone failed the oral portion of a type rating check when the group method was used. Before we send FSI the guidance clarifying the 135 position, we would like to have the official GA guidance.

ANSWER: Ref. §61.33 and FAA Order 8710.3C, page 5-6, paragraph 19C; The FAA's written official position on this issue is as follows:

> "C. Group Testing. Normally, an examiner administers the oral portion of the practical test to each applicant individually. This ensures confidentiality and allows the examiner to conduct the test as the situation requires. In some circumstances, such as when the examiner is testing a crew of two, it may be advantageous to administer the oral portion of the test to two applicants simultaneously. When two applicants of similar backgrounds have trained in the same aircraft or training course and are being tested for identical certificates, simultaneous testing may be conducted if NO MORE THAN TWO APPLICANTS are tested and both applicants and the examiner agree to that method. If either applicant prefers to be tested separately, the examiner SHALL conduct separate oral tests."

Therefore, it makes no difference whether the applicants are ". . . plain Part 61 type rating checks . . ." or are ". . . Part 135 checks that are being given concurrently with a type rating ride at the end of the course . . .", they still have to comply with FAA Order 8710.3C, page 5-6, paragraph 19C.
{q&a-274}

QUESTION: Recently I have several inquiries from FAA Aviation Safety Inspectors (Operations) regarding a possible conflict between the requirements of Private Pilot Certification

in Part 61 and the PTS. For example, the PTS for a Private Pilot Certificate-Rotorcraft-Helicopter practical test requires tracking and interception. Unless I'm mistaken there is no such requirement in Part 61. What is the legal status of the PTS in such a case?

ANSWER: The legal status of a Practical Test Standards is covered by §61.33 which states: "Tests prescribed by or under this part are given at times and places, and by persons designated by the Administrator" and §61.43 which specifies general test procedures. The regulations implement public law Title 49 of the United States Code.

There is no conflict between the PTS and Part 61 for an applicant for a Private Pilot Certificate for a helicopter rating. Section 61.105(b)(4) requires ground training on "Use of aeronautical charts for VFR navigation using pilotage, dead reckoning, and navigation systems." Section 61.107(b)(3)(vii) requires both ground and flight training on "Navigation." And the Private Pilot-Helicopter PTS requires testing per Area of Operation VII, Task B on interception and tracking a given radial or bearing and locating position using cross radials, coordinates, or bearings.

Yes, the examiner **MUST** test applicants on " Intercepts and tracks a given radial or bearing" or "Locates position using cross radials, coordinates, or bearings." This additional training is not only beneficial for improving the competency of helicopter pilots, but it's important for helicopter pilots to know how to operate SAFELY in today's National Airspace System.

{q&a-241}

61.35

QUESTION: The CATS computer test people tell me that no instructor signoff is required, due to a "new" change in policy, to take the FOI/AGI/IGI/CFI/CFII knowledge tests. Is this true? I haven't been able to find anything in writing to support this, and don't want to show up for tests without required papers.

ANSWER: Per §61.183(d); Applicants are not required to show such evidence of preparation to take the ATP, flight instructor (CFI), fundamentals of instruction (FOI), military competency, foreign pilot instrument (IFP) or the certificated ground instructor (CGI) knowledge tests unless they are applying to retake a test after failing that test (per § 61.49). Paragraph 5. b. of the Advisory Circular (AC) 61-65D now relates this information.

Regarding fundamentals of instruction (FOI), per §61.185(a), the applicant needs to ". . . receive and log ground training from an authorized instructor . . ." When the applicant applies for the practical test, the examiner shall ensure that the applicant has: ". . . receive and log ground training from an authorized instructor . . .", but such logbook endorsement need not be presented to take the computer knowledge test.

{q&a-173}

QUESTION 1: Must an applicant for the ATP knowledge test present his/her logbook to be inspected by the FAA prior to taking the ATP knowledge test? The old §61.153 stated "An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the

requirements of §§61.151 [except paragraph (a) thereof] and 61.155, pass a written test on . . ." which, in effect, required that applicant's logbook to be inspected by the FAA to ensure the applicant possessed the required aeronautical experience prior to taking the knowledge test.

ANSWER 1: The policy concerning the prerequisites for taking a knowledge test is addressed in §61.35. Section 61.35 applies to ATP applicants taking the ATP knowledge test just like it applies to all other applicants for knowledge tests. However, section 61.151 does not require an ATP applicant to receive an endorsement from an instructor prior to taking the knowledge test (or, for that matter, a practical test recommendation is not required).

{q&a-134}

QUESTION: Can a person take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21 and the ATP practical test before age 23? For years it was permissible for a person as young as age 18 that had the required flight experience to take the Airline Transport Pilot - Airplane written (knowledge) test and then the practical test. If the person was successful with both, a letter was then issued and later at age 23 the person could receive the actual ATP certificate. Isn't this still true?

ANSWER: **NO.**

Knowledge test: In accordance with §61.35(a)(2)(iii) the knowledge test can not be administered before the first day of the month of the person's 21st birthday. The knowledge test requires identification at the time of application that contains the persons date of birth, which must show that the applicant meets or will meet the age requirements for the certificate sought before the expiration date (24 "calendar" months) of the airman knowledge test report.

Practical test: In accordance with §61.39(a)(5) the practical test can not be administered before the person's 23rd birth day; the prescribed age requirement for issuance per §61.153(a).

{q&a-114}

QUESTION: An airman has asked if he can take the ATP knowledge test without a commercial/instrument certificate. I've reviewed 61.153, 61.155, 61.35, and the preambles (61-102 & 61-103) and it is not clear to me.

ANSWER: There is no eligibility prerequisites for the ATP knowledge test other than age, which is addressed in §61.35. For the ATP knowledge test, there is NO endorsement requirement. Let the person take the knowledge test.

{q&a-58}

61.39

QUESTION 1: We have recently had several CFI applicants arrive without two endorsements which we feel are required by the latest version of AC 61-65D. Under the old AC 61-65C we were allowed to accept the recommending instructor's signoff on the rating application form (FAA Form 8710-1) as evidence that the area's in which the applicant was deficient on the knowledge (written) test had been reviewed. It now appears under the revised

AC 61-65D that an endorsements is required (rather than just the 8710-1 signoff) for the knowledge test review. Is this true and applicable to CFI applicants?

ANSWER 1: Ref. § 61.39(a)(6)(iii) and the "NOTE" on page 4, paragraph 9 in AC 61-65D; An instructor endorsement is required to show the applicant, including a CFI applicant ". . . Has demonstrated satisfactory knowledge of the subject areas in which the applicant was deficient on the airman knowledge test . . ." The only exceptions for not being required to comply with § 61.39(a)(6) is addressed in § 61.39(c) and flight instructor applicants are not exempted.

QUESTION 2: Apparently the same signoff (instructor's recommendation on the rating application) is no longer valid to indicate that the applicant had received required training in the past 60 days, correct? We have had some files returned from OKC because the instructor's recommendation date (on the FAA Form 8710-1) was beyond the 60 days whether or not the applicants logbook had shown training within the previous 60 days as required by FAR 61.39 (a)(6)(i). It now appears under the revised AC 61-65D that an endorsement is also required (in addition to the 8710-1 instructor recommendation) for training within 60 days. Q&A 314 indicates that some of the endorsements reference regulations which state an applicant must have received training within the previous 60 days prior to the practical test, but there does not appear to be one that applies to the CFI candidate.

ANSWER 2: Ref. § 61.39(a)(6)(i) and (c); The only exception for not being required to comply with § 61.39(a)(6) is addressed in § 61.39(c) and flight instructor applicants are not exempted. Even though a specific amount of training (like 3 hours) within the 60 days preceding the date of application in preparation for the practical test ". . . received and logged . . ." is not required of a flight instructor applicant, that applicant must show having received and logged SOME training within the 60 days preceding the date of application in preparation for the practical test. Personally speaking, I cannot imagine an applicant not having ". . . received and logged . . ." at least 3 hours of training within the 60 days preceding the date of application in preparation for the practical test, but CFI is not really a "pilot" rating and we did not put a specific time requirement in the regulation.
{q&a-375}

QUESTION: Looking at the recommended endorsements in AC 61-65D, apparently we will no longer use the old one which specified training accomplished in the last 60 days and demonstrated sat knowledge of areas found to be deficient in the knowledge test....is this correct?

ANSWER: Ref. §61.39(a)(6)(i); The "recommended" endorsements in the Advisory Circular 61-65D are not intended to be "required word-for-word" endorsements. They are examples that "should" be used, but we recognize that some inspectors and examiners tend to treat them as "required word-for-word." The recommended endorsements that are shown do not include the two specific items you are asking about.

(1) Regarding the §61.39(a)(6)(i) endorsement of training within the preceding 60 days, look at Recommended Endorsements numbers 12, 18, 20, and 22 and note that the references incorporated in these endorsements include an amount of training (e.g., §61.109(a)(4) requires 3 hours flight training … within 60 days preceding the date of the test). The regulatory

references for example 24 (§61.183 & §61.187) and example 37 and 39 (§61.63(b), (c) & (d)) do not include a specific amount of training required within the preceding 60 days, however at least some training "more than zero" is still required and these examples refer to the "required training." In any event, an examiner must review the applicant's logbook/training records to verify that the required amount (e.g., 3 hours, 1 ½, or some) of training occurred within the preceding 60 days.

NOTICE. These specific endorsements stating that the applicant is prepared/proficient to pass the required practical test in accordance with §61.39(a)(6)(ii) are required in the logbook or training record for those certificates that include the requirement as a prerequisite [e.g.. §§61.63(b)(3) & (c)(2), 61.65(a)(6), 61.96(b)(5)(ii), 61.103(f)(2), 61.123(e)(2), and 61.187)]. The endorsement MUST be included IN ADDITION to the instructor's signature on the appropriate line on the FAA Form 8710-1 Airman Certificate &/or Rating Application.

(2) Regarding the §61.39(a)(6)(iii) endorsement of knowledge test item review there is a "NOTE" in paragraph 9 of the Advisory Circular that reiterates this requirement. Unfortunately, the endorsement examples pointed out were intended for permission to take the knowledge test rather than endorsement of the required review. This error was not realized in time for change before publication. An endorsement worded much like the statement on the knowledge test result form or like the following would suffice: "I have given _____ additional instruction in the subject areas found deficient on the knowledge test as required by §61.39(a)(6)(ii) and he/she demonstrates satisfactory knowledge."
{q&a-314}

QUESTION 1: My question involves the words "60-day period" of §61.43(f)(1). An applicant who completes an air carrier employer's approved training program for a type rating to be added to an ATP certificate often completes the practical test in 3 phases, which are the oral/knowledge portion, flight simulator portion, and the actual aircraft portion. The applicant takes the oral portion first. Then, provided the oral portion was completed satisfactorily, the applicant receives training in the flight simulator and then performs the flight simulator portion of the practical test. Provided the flight simulator portion of the practical test was accomplished satisfactorily, the applicant then receives flight training in the actual aircraft. Then the applicant performs the aircraft portion of the practical test in the actual aircraft in flight. When does the "60-day period" begin for §61.43(f)(1) requirement that the applicant pass the remainder of the practical test within the 60-day period after the date the practical test was discontinued?

ANSWER 1: Ref. §§61.39(d) and (e) and 61.43(f)(1); The 60 days begins when the practical test is begun/discontinued.

In your scenario, the practical test was DISCONTINUED when the oral portion was satisfactorily completed, which is also the day the test began. Per §61.43(f)(1), the applicant has 60 days to complete the remainder of that practical test. And for the record, DISCONTINUED doesn't just mean when the practical test was discontinued due to failure by the applicant or an equipment malfunction or inclement weather, it also applies when the applicant has not completed the entire practical test, otherwise the practical test was DISCONTINUED! The definition of discontinue means "To interrupt the continuance of; to stop; to give up." And so, when the applicant

satisfactorily completed the oral portion of the practical test and the practical test was DISCONTINUED, the clock starts ticking and that applicant now has a "60-day period after the date the practical test was discontinued" to complete the practical test.

QUESTION 2: Also, does §§61.39(d) and (e) and 61.43(f)(1) vs. FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E conflict with one another when it relates to applicants who are taking a practical test on the basis of completing an air carrier training program? As per FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E, it states:

> "E. Time Limits. The flight test phase must completed within 60 days of completion of the oral test. If a flight test is conducted with a combination of flight simulator and aircraft segments, the aircraft segment must be completed within **30 days** of the simulator portion."

vs.

§61.39(d) states:

> (d) If all increments of the practical test for a certificate or rating are not completed on one date, all remaining increments of the test must be satisfactorily completed not more than 60 calendar days after the date on which the applicant began the test.

§61.39(e) states:

> (e) If all increments of the practical test for a certificate or a rating are not satisfactorily completed within 60 calendar days after the date on which the applicant began the test, the applicant must retake the entire practical test, including those increments satisfactorily completed.

§61.43(f)(1) states:

> "Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued."

ANSWER 2: Ref. §§61.39(d) and (e) and 61.43(f)(1); These rules are not contrary to FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E. The rules are merely silent on the "30 days" time limit between the flight simulator and aircraft segments of the practical test. Therefore, the "30 days" time limit of FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E. applies and the applicant who is making application for the rating on the basis of completing an air carrier training program must comply with this "30 days" time limit requirement.

This answer was coordinated and approved by Flight Standards Service's Air Carrier Training Branch, AFS-210. AFS-210 added the following comments to support the above answers:

1. An all airplane practical test must be completed with 60 days of starting the practical test (an the oral portion is part of the practical test). So if a practical test is performed under a Part 121 training program, the applicant is required to have completed the entire practical test ". . . within 60 calendar days after the date on which the applicant began the test . . ."

2. A practical test that also involves a flight simulator portion, then in accordance with FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E., the applicant must complete the entire practical test ". . . within 30 days of the simulator portion . . . "

3. And the entire practical test, including the flight simulator portion of the practical test, must be completed within ". . . 60 calendar days after the date on which the applicant began the test . . ."

{q&a-281}

QUESTION: Order 8700.1, Volume II, chapter 1, section 4, paragraph 3, B, (5) directs the Inspector to accept the instructor's recommendation on the back side of the 8710-1 as meeting the required endorsements prescribed under §61.39(a)(6). In reading the current §61.39(a)(6), it requires the logbook or training record endorsement "and" have a completed and signed application form. Am I correct in addressing this information in the classroom, considering the two references (Part 61.39 and 8700.1, vol II), that the Instructor's recommendation on the back of the 8710-1 will still satisfy the regulatory requirement of Part 61.39 (a)(6)"and"(7).

ANSWER: No. Ref. §61.39(a)(6) and (7); It requires an endorsement ". . . in the applicant's logbook or training record . . ." if an endorsement is required. And it also requires a ". . . a completed and signed application form." Right now, FAA Order 8700.1 is hopelessly out of date and the rule applies. I don't know the time schedule for when FAA Order 8700.1 is going to be updated, because it is outside my responsibility. AFS-805 has responsibility for issuing changes to FAA Order 8700.1.

Personally, I wish I had been around when the policy was initially established in FAA Order 8700.1, volume II, chapter 1, section 4, paragraph 3, B, (5), because I believe it conflicts with even the old §61.39(a)(5). I believe both the new §61.39(a)(6) and the old §61.39(a)(5) requires and required an endorsement ". . . in the applicant's logbook or training record . . ." When §61.39(a)(6) was re-written in the way it was it was for a purpose. Because, we wanted the applicant to:

"(6) Have an endorsement, if required by this part, in the applicant's logbook or training record that has been signed by an authorized instructor who certifies that the applicant--"

and we also wanted the applicant to:

"(7) Have a completed and signed application form.

Why we ever put out such a policy, considering even what the old §61.39(a)(5) said, is beyond me?
{q&a-272}

QUESTION: Ref. §61.39(b)(1)(i) and (2); I serve as a Navigator "flight crewmember" in the United States Air Force Reserves on a KC-135 Tanker. I've also completed an approved air carrier First Officer training program for a Part 121 operator that I work for as a First Officer. I also hold a Commercial Pilot Certificate with an Airplane Single Engine Land and Airplane Multiengine Land and Instrument-Airplane ratings. And I also meet the ATP aeronautical experience requirements of §61.159. My question is, am I qualified to make application for the ATP-Airplane Multiengine Land practical test with an EXPIRED ATP-Airplane knowledge test?

ANSWER: Reference §61.39(b)(1)(i) and (2); You are not qualified to take the ATP practical test with an EXPIRED ATP-Airplane knowledge test. Your qualifications do not comply with §61.39(b)(1)(i) because you have not accomplished your air carrier employer's "**Pilot in command** aircraft qualification training program . . ." Nor are you qualified in accordance with §61.39(b)(2), since you are not a military pilot nor have you ". . . accomplished the **pilot in command** aircraft qualification training program . . ." Even though you've pointed out that as a Navigator in your U.S. Air Force Reserve unit you are a "flight crewmember" (i.e., Navigator), the rule requires you to be a military pilot and you must have ". . . accomplished the pilot in command aircraft qualification training program . . ." of that U.S. Air Force reserve unit.
{q&a-266}

QUESTION 1: An applicant holds a Commercial Pilot Certificate, Airplane-Single-Engine Land Rating, Instrument-Airplane Rating and wants to make application for an add-on Cessna Citation type rating at the Commercial Pilot Level. Must the applicant FIRST hold an Airplane Multiengine Land class rating before he is eligible to take the type rating practical test in a Cessna Citation?" There appears to be some disagreement on this requirement with our folks here. Is this new PTS change #1 to the PTS correct?

ANSWER: §61.63(d) and §61.39(a); The answer is no, the applicant does not need to hold an Airplane Multiengine Land class rating to be eligible for the CE500 type rating practical test. The reference made in the ATP/Type Rating PTS, dated August 1998 on page 7, item No. 3 is wrong. Item No. 3 has been corrected in change #1. The way we revised §61.129(b), it is permissible for an applicant to receive their initial Commercial Pilot Certificate for an Airplane category rating and Multiengine Land class rating in a CE-500.
{q&a-263}

QUESTION 7: What about the ATP applicant who is not adding a type rating but is simply getting an ATP certificate in a small (no type rating required) airplane? Does such an applicant require any flight training and instructor endorsement in preparation for the ATP practical test? Sections 61.63(d) and 61.157(b) seems to only require ground and flight training and an endorsement from an authorized instructor if the test is for or includes a type rating.

ANSWER 7: Ref. §61.39(c)(3) and §61.157(b)(2); The answer is no, an ATP applicant does not need an instructor endorsement to apply for the practical test. As per §61.157(b)(2), this provision only requires the endorsement be for ". . . Must receive a logbook endorsement from an authorized instructor certifying that the applicant completed the training on the areas of operation listed in paragraph (e) of this section that apply to the aircraft type rating sought;" The endorsement is not for ". . . Certifying the person is prepared for the required practical test . . ."
{q&a-249}

QUESTION: Recently a situation arose that resulted in a review of §61.39(a)(6) vs. §61.39(c)(1), (2) and (3). The situation was a Canadian commercial pilot is applying for unrestricted US Commercial Pilot Certificate. He holds a restricted US Private Pilot Certificate on the basis of his Canadian foreign pilot license and is now applying for an unrestricted US Commercial Pilot Certificate.

The point of contention is: Does the applicant need to present ALL the required endorsements as normally required of a U.S. citizen applying for a Commercial Pilot Certificate?

ANSWER: §61.39(a)(6); Yes, this applicant is required to have ALL the required endorsements. In this situation, even though the applicant is a foreign pilot, he is seeking a standard (unrestricted) U.S. Commercial Pilot Certificate and must comply with the same requirements that are required of our U.S. citizens including ALL the required endorsements.

In explaining the intent of §61.39(c)(1), it's only purpose is for allowing for the issuance of a restricted Private Pilot Certificate on the basis of the person holding a foreign pilot license [i.e., §61.75]. Therefore, if it weren't for §61.39(c)(1), a foreign person who is only applying for a restricted Private Pilot Certificate on the basis of holding a foreign pilot license would be required to ". . . Have an endorsement, if required by this part, in the applicant's logbook or training record that has been signed by an authorized instructor who certifies that the applicant . . ." [i.e., §61.39(a)(6)]
{q&a-222}

QUESTION: Re: 61.39(b)(1)(i); I've looked in the old and new 61.39, the preamble and your list of questions/answers and have not been able to ascertain why the applicant wording was changed from 'flight crewmember' to 'pilot-in-command'.

The only thing I found in the preamble was that (b) and (c) were revised and clarified to reflect the current eligibility requirements for ATP certificates and ratings (Page 16246). I looked at 61.153 and couldn't see any tie-in relating to ATP requirements. 61.157 (c) addressed type ratings and related 121 and 135 training programs.

ANSWER: Ref. §61.39(b)(1)(i); Look at the preamble of the NPRM (Notice No. 95-11 on page 41196; August 11, 1995). We proposed it word for word just like §61.39(b)(1)(i) now states. We got no comments on this proposal, so we adopted that language in the final rule.

But the reason we proposed it this way, is because it was determined that completion of an air carrier SIC training program does not meet the requirements for permitting a person to be eligible to apply for a type rating. Never did! The old rule was not correct, so we changed it. Most likely the old rule made a lot of air carrier SIC's happy that they became eligible to apply for a type rating by only completing an air carrier SIC training program! However, the old rule made the general aviation pilot complete all the training of the old Appendix A of Part 61 to become eligible to apply for a type rating.
{q&a-157}

QUESTION: Can a person take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21 and the ATP practical test before age 23? For years it was permissible and the policy in Order 8700.1, volume 2, page 7-1, paragraph 5.D. permitted an applicant as young as age 18 that had the required flight experience to take both the knowledge and the practical test for the ATP certificate. If they passed, the FSDO would then issue the applicant a letter of aeronautical competency. Later at age 23 the person could receive the actual ATP certificate. Isn't this still true?

ANSWER: **NO.**

Knowledge test: In accordance with §61.35(a)(2)(iii) the knowledge test can not be administered before the first day of the month of the person's 21st birthday. The knowledge test requires identification at the time of application that contains the persons date of birth, which must show that the applicant meets or will meet the age requirements for the certificate sought before the expiration date (24 "calendar" months) of the airman knowledge test report.

Practical test: In accordance with §61.39(a)(5) the practical test can not be administered before the person's 23rd birth day; the prescribed age requirement for issuance per §61.153(a).
{q&a-134}{q&a-114}

QUESTION 20: When I'm giving a flight test in a R-22 and the person doesn't meet the SFAR-73 requirements to act as PIC then I act as PIC. Therefore, the applicant is not exercising any pilot privileges. 61.39(a)(4) says "Hold at least a third class medical certificate if a medical is required". I understand this to mean that a medical certificate is not required and he would not need one to take this practical test. Is this correct?

ANSWER 20: NO. The applicant is required to have at least a third class medical per 61.23 (a)(3) and 61.39(a)(4). The referenced §61.39(a)(4) "if a medical is required" relates to the fact that balloon and glider pilots do not have a medical certificate requirement.
{q&a-60}

61.41

QUESTION: I had a CFI call yesterday afternoon who lives most of the year in Sweden. His 24 months for his Flight Review expires while he is in Sweden and he is wondering if a Flight Instructor with ICAO certificate can give him a flight review or if he must have a Flight instructor with U.S. certificate conduct the flight review? FAR 61.56 states the flight review should be conducted "...by an appropriately rated instructor under this part or other person designated by the administrator..." The way I read this is to indicate that the "other person designated by the administrator" is one of the individuals outlines in paragraph (d) of 61.56.

Since more and more pilots are moving abroad this is becoming a question I get quite frequently. Can you shed some light on this one.

ANSWER: Ref. §61.41(b). The foreign instructor may give training, but a foreign instructor can **NOT** endorse a person for satisfactory completion of a §61.56 Flight Review.
{q&a-156}

61.43

QUESTION: Do we now follow the intention of the new §61.43(b) as stated in the preamble, and issue SIC required when single-pilot competency is not demonstrated in a CE-501,

or use the dated guidance in FAA Orders 8710.3 & 8700.1 which prohibits the limitation in Cessna 501 & 551 aircraft?

Section 61.43(a)(5) states "Except as provided in paragraph (b) of this section, the ability of an applicant for a certificate or rating issued under this part to perform the required tasks on the practical test is based on that applicant's ability to safely...Demonstrate single-pilot competency if the aircraft is type certified for single-pilot operations."

FAR 61.43(b) states "If an applicant does not demonstrate single pilot proficiency, as required in paragraph (a)(5) of this section, a limitation of "Second in Command Required" will be placed on the airman's certificate. This limitation may be removed..."

FAA guidance (Order 8710.3C, page 12-1 & 2, Order 8700.1, page 9-2) states that practical tests given in the CE-501 or CE-551 will NOT be given a SIC required limitation on the pilot certificate if single pilot proficiency is not demonstrated. This applies only when SFAR Part 43 aircraft are used. This guidance was issued prior to the new revised FAR Part 61. The new preamble for FAR 61.43 states "With regard to the demonstration of single-pilot competence listed in proposed paragraph (a)(5), most aircraft that are type certified for one pilot are currently operated by one pilot. However, some aircraft (e.g. the Cessna Citation 501 and 551) are type certified for one pilot, but are operated by either one- or two-pilot crews. The FAA realized that some pilots may desire to operate an aircraft type certified for one pilot with a two-pilot crew. In this situation, the applicant would have the option, contained in proposed paragraph (b), not to demonstrate single-pilot competence, but a limitation would be placed on the applicant's airman certificate that states a second in command is required."

ANSWER: Ref. §61.43(b); You comply with §61.43(b). As is the case always, if their is a difference between a Federal Regulation vs. a provision in an FAA order, the Federal Regulation always wins out. In the specific case you're asking about, FAA Orders 8710.3C and 8700.1 have not been completely updated since the issuance of the "Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Final Rule" (62 FR 16220 through 16367; April 4, 1997). Therefore, if an applicant does not demonstrate single-pilot competency in a Cessna 501 or Cessna 551 the limitation "Second in Command Required" will be placed on the person's pilot certificate.
{q&a-307}

QUESTION 1: My question involves the words "60-day period" of §61.43(f)(1). An applicant who completes an air carrier employer's approved training program for a type rating to be added to an ATP certificate often completes the practical test in 3 phases, which are the oral/knowledge portion, flight simulator portion, and the actual aircraft portion. The applicant takes the oral portion first. Then, provided the oral portion was completed satisfactorily, the applicant receives training in the flight simulator and then performs the flight simulator portion of the practical test. Provided the flight simulator portion of the practical test was accomplished satisfactorily, the applicant then receives flight training in the actual aircraft. Then the applicant performs the aircraft portion of the practical test in the actual aircraft in flight. When does the "60-day period" begin for §61.43(f)(1) requirement that the applicant pass the remainder of the practical test within the 60-day period after the date the practical test was discontinued?

ANSWER 1: Ref. §§61.39(d) and (e) and 61.43(f)(1); The 60 days begins when the practical test is begun/discontinued.

In your scenario, the practical test was DISCONTINUED when the oral portion was satisfactorily completed, which is also the day the test began. Per §61.43(f)(1), the applicant has 60 days to complete the remainder of that practical test. And for the record, DISCONTINUED doesn't just mean when the practical test was discontinued due to failure by the applicant or an equipment malfunction or inclement weather, it also applies when the applicant has not completed the entire practical test, otherwise the practical test was DISCONTINUED! The definition of discontinue means "To interrupt the continuance of; to stop; to give up." And so, when the applicant satisfactorily completed the oral portion of the practical test and the practical test was DISCONTINUED, the clock starts ticking and that applicant now has a "60-day period after the date the practical test was discontinued" to complete the practical test.

QUESTION 2: Also, does §§61.39(d) and (e) and 61.43(f)(1) vs. FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E conflict with one another when it relates to applicants who are taking a practical test on the basis of completing an air carrier training program? As per FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E, it states:

> "E. Time Limits. The flight test phase must completed within 60 days of completion of the oral test. If a flight test is conducted with a combination of flight simulator and aircraft segments, the aircraft segment must be completed within **30 days** of the simulator portion."

vs.

§61.39(d) states:

> (d) If all increments of the practical test for a certificate or rating are not completed on one date, all remaining increments of the test must be satisfactorily completed not more than 60 calendar days after the date on which the applicant began the test.

§61.39(e) states:

> (e) If all increments of the practical test for a certificate or a rating are not satisfactorily completed within 60 calendar days after the date on which the applicant began the test, the applicant must retake the entire practical test, including those increments satisfactorily completed.

§61.43(f)(1) states:

> "Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued."

ANSWER 2: Ref. §§61.39(d) and (e) and 61.43(f)(1); These rules are not contrary to FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E. The rules are merely silent on the "30 days" time limit between the flight simulator and aircraft segments of the practical test. Therefore, the "30 days" time limit of FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E. applies and the applicant who is making application for the rating on the basis of completing an air carrier training program must comply with this "30 days" time limit requirement.

This answer was coordinated and approved by Flight Standards Service's Air Carrier Training Branch, AFS-210. AFS-210 added the following comments to support the above answers:

1. An all airplane practical test must be completed with 60 days of starting the practical test (an the oral portion is part of the practical test). So if a practical test is performed under a Part 121 training program, the applicant is required to have completed the entire practical test ". . . within 60 calendar days after the date on which the applicant began the test . . ."

2. A practical test that also involves a flight simulator portion, then in accordance with FAA Order 8400.1, Volume 5, Chapter 1, paragraph 17.E., the applicant must complete the entire practical test ". . . within 30 days of the simulator portion . . . "

3. And the entire practical test, including the flight simulator portion of the practical test, must be completed within ". . . 60 calendar days after the date on which the applicant began the test . . ."

{q&a-281}

QUESTION: Ref. §61.43(a); Situation, I have an applicant for a Commercial Pilot Certificate for an Airplane Single Engine Land rating. As a minimum, what tasks must be accomplished in a complex airplane?

ANSWER: Ref. §61.43(a) and FAA-S-8081-12A, "Commercial Pilot Practical Test Standards, page 1-6; As a minimum, the applicant must demonstrate/perform/exhibit, etc., etc., ". . . satisfactory proficiency and competency . . ." on the following:

Area of Operation IV. Takeoffs, Landings, and Go-Arounds
Task A. Normal and Crosswind (if crosswind conditions exist) Takeoff and Climb
Task B. Normal and Crosswind (if crosswind conditions exist) Approach and Landing
And, if the airplane manufacturer provides appropriate procedures:
Task C. Soft-field Takeoff and Climb
Task D. Soft-field Approach and Landing
Task E. Short-field Takeoff and Climb
Task F. Soft-field Approach and Landing

Area of Operation IX. Emergency Operations
Task C. Systems and Equipment Malfunction
d. Loss of oil pressure (i.e., uncontrollable propeller, etc.)
j. Landing gear
k. Flaps (asymmetrical position)
n. Any other emergency unique to the airplane flown.
Plus at least one other simulated emergency to meet the Objective #2 requirement.
{q&a-258}

QUESTION: Reference (as for example) Private Pilot PTS for Rotorcraft Helicopter (dated April 1996) states on page No. v: "The FAA requires that all practical tests be conducted in accordance with the appropriate Private Pilot Practical Test Standards and the policies set forth in this INTRODUCTION. Private pilot applicants shall be evaluated in ALL TASKS included in the AREAS OF OPERATION of the appropriate practical test standards."

Does this mean an examiner MAY test an applicant orally on certain tasks within the Area of Operation "VII-Navigation" of the Private Pilot Rotorcraft-Helicopter practical test and some tasks on the flight portion of the practical test? Or, must all the tasks be tested during the flight portion of the practical test?

ANSWER: Ref. §61.43(a)(1) and the Practical Test Standards; As for the answer to your specific question (i.e., Area of Operation "VII-Navigation" of the Private Pilot Rotorcraft-Helicopter PTS), each task within that Area of Operation requires a "knowledge" testing (meaning orally) and a "skill" testing which means it has to be tested during the flight portion of the practical test. So in response to your specific question on the tasks noted as "Radio Navigation and Radar Services," "Pilotage and Dead Reckoning," "Diversion," and "Lost Procedures" in the Area of Operation "VII-Navigation" has to be tested BOTH orally and during the flight portion of the practical test. As a continuation of your specific question, under item No. 1 under the caption "Objective" of the task "Pilotage and Dead Reckoning" it states, "Exhibits knowledge (emphasis on the word "knowledge") of the elements related to pilotage and dead reckoning." However, items 2 through 8 under the caption "Objective" of that same task "Pilotage and Dead Reckoning" requires the applicant to ALSO demonstrate flying skills on "2. Correctly flies to at least the first planned checkpoint . . ." "3. Identifies and follows landmarks . . ." etc.

Therefore, an examiner does not have the option to orally test some and flight test other tasks. If a Task has the words "Exhibits knowledge" under the caption "Objective" of a particular Task in the PTS, then that indicates that portion of the Task must be tested orally. Additionally, if the items under the caption "Objective" of a particular Task in the PTS requires demonstration of flying skills then that portion of the Task must be tested during the flight portion of the practical test.
{q&a-250}

QUESTION: Our office had an inspector trainee recently return from the Academy with information that appears in conflict with our office inspectors opinions and some of the practical test standards. He was told that if an applicant failed an area of operation he must be retested on the entire area of operation failed including the tasks that were completed successfully within that area.

I will use the Private PTS as an exaggerated example. An applicant successfully completed the entire flight test but on one of the tasks listed in area of operation I, he failed. I will use aeromedical factors task H, as the unsuccessful task. When he is retested, according to the academy training, he must be retested on the entire area of operation I, which would included the following tasks: A. Certificates and documents, B. Weather information, C. Cross country flight planning, D National airspace system, E. Performance and limitations, F. Operation of systems, G. Minimum equipment list, and the failed task H. Aeromedical factors.

In this exaggerated example, that is an incredible amount of retesting for someone not knowing anything about carbon monoxide dangers. Further, this procedure conflicts with page vii, describing Unsatisfactory Performance that states the applicant is entitled credit for only those TASKS satisfactorily performed.

ANSWER: Ref. §61.43(f), Order 8710.3C [Page 5-21, paragraph 5.E.(7)(a) and page 5-6, paragraph 21.B] and the PTS [Paragraphs noted as "Unsatisfactory Performance"];

THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION. Section 61.43(f) is silent on the matter of retesting TASKS within a failed area of operation. AGAIN EMPHASIS IS ON "THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION." However, the rule does not prevent an examiner from re-testing an applicant on every task within a previously failed area of operation. In accordance with Order 8710.3C, page 5-6, paragraph 21.B, an examiner has the authority to re-evaluate any TASK within an area of operation that was previously failed.

Ref. §61.43(f); Per §61.43(f), it states:

> "If a practical test is discontinued, the applicant IS ENTITLED CREDIT FOR THOSE AREAS OF OPERATION THAT WERE PASSED, but only if the applicant . . ." The key words to focus on here is "AREAS OF OPERATION." It doesn't say anything about "TASK."

Reference a review of the Private Pilot PTS, the paragraph noted as "Unsatisfactory Performance" on page vii, it states in pertinent part,

> ". . . Whether the test is continued or discontinued, the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Yes, the examiner has the authority to ". . . at the discretion of the examiner, any TASK may be re-evaluated, . ."

What this is saying, in effect, is yes, any TASK may be re-evaluated within that failed area of operation. But read on, because Order 8710.3C, page 5-6, paragraph 21.B states: "**Whenever the examiner has reason to doubt** the applicant's competence in areas for which the applicant received credit during a previous practical test, the examiner SHALL reexamine the applicant on all areas of operation required for that certificate or rating."

First example, what Order 8710.3C, page 5-6, paragraph 21.B is saying:

> An applicant for a Private Pilot Certificate for an airplane single engine land rating successfully completes the entire flight test but on one of the tasks listed in Area of Operation I of the Private Pilot PTS, he failed. The applicant failed aeromedical factors task H. When the applicant is retested, the examiner MAY or MAY NOT retest the applicant on every task within Area of Operation I. Area of Operation I includes the following task: A. Certificates and documents; B. Weather information; C. Cross country flight planning; D National airspace system; E. Performance and limitations; F. Operation of systems; G. Minimum equipment list; H. Aeromedical factors.
>
> The examiner, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, has the authority and should re-examine the applicant on all tasks within that failed area of opeation. However,

the examiner in accordance with the Private Pilot PTS [the paragraph noted as "Unsatisfactory Performance" on page vii] ". . . the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Second example:

An applicant for a Private Pilot Certificate for an airplane single engine land rating fails the VI. Ground Reference Maneuvers Area of Operation but passes all of the remaining Areas of Operation of the Private Pilot PTS. On the retest, ". . . **the examiner has reason to doubt** the applicant's competence on the Navigation Area of Operation because applicant appeared to be weak in finding his way back to the airport. Then, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, yes the examiner has the authority and should re-examine the applicant on that area of opeation.

So, for an individual examiner to make a "blanket policy" to retest applicants on everything is not appropriate, nor does §61.43(f) support such a policy, nor does the PTS support such a policy, nor does FAA Order 8710.3C support such a policy.
{q&a-140}

QUESTION: Every PTS gives the examiner the option to retest even areas of operation that were passed. But, §61.43(f) states:

(f) If a practical test is discontinued, the **applicant is entitled credit for those areas of operation that were passed**, but only if the applicant: …

Does this mean those areas can not be retested on the applicants next attempt?

ANSWER: The rule does NOT prevent an examiner from reexamining areas where there is reasonable doubt on that applicant's skills and abilities. The FAA's existing policy supports an examiner if during the retest he or she observed an unsatisfactory performance of a task on an area of operation that was initially passed. We believe the wording of the rule supports
that. But we don't want the examiner doing the entire test over again. That isn't fair either.
{q&a-9 question #13} & {q&a-30 question #7}

QUESTION 6: §61.43(b) as written could possibly apply to a private pilot practical test in a Cessna 150 if you don't clarify that this provision is only applicable to aircraft that by its type certificate requires a crew of two.

ANSWER 6: We have to disagree with you on this one. §61.43(b) states:

(b) If an applicant does not demonstrate single pilot proficiency, **as required in paragraph (a)(5) of this section**, a limitation of "Second in Command Required" will be placed on the applicant's airman certificate.

and (a)(5) states:

(5) Demonstrate single-pilot competence **if the aircraft is TYPE certificated for single-pilot operations**.
{q&a-30}

QUESTION 1: The REG talks to a 60 day limit for the certification process.
1. The Discontinued practical test; is that adding an additional 60 days to the process or is it 60 days Period?

ANSWER 1: The answer to your question is contained in §61.43(f) subparagraph (1):
(f) If a practical test is discontinued, the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:
(1) **Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued**;

For example, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR ELSE. In counting from September 5 to November 11, it is 60 days exactly.

QUESTION 2: Is there any time limit between simulator and aircraft checks?

ANSWER 2: Just like §61.43(f) says, "the 60-day period after the date the practical test was discontinued;" **So**, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR ELSE.

QUESTION 3: If I completed a Simulator check and are waiting to get an Aircraft Check, and my Oral date exceeds 60 days. Must I redo the Simulator portion or just restart the 60 day clock with a new Oral?

ANSWER 3: Just like §61.43(f)(1) says, "the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:
(1) Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;"
So, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR start over.
{q&a-54}

QUESTION 1: As per §61.43(b), our read on this new rule would allow somebody to qualify in a Cessna 500 or 550 for a CE-500 type rating and then operate a Cessna 501 or 551 as a PIC without an SIC. As you know the Cessna 500 and 550 are airplanes that require an SIC and the Cessna 501 and 551 do not require an SIC. However, it is possible for a person to take his checkride in a Cessna 500 or 550 and never have demonstrated PIC proficiency without having an SIC on board. But because the Cessna 500, 501, 550, and 551 all have the same "CE-500" type rating on a person's pilot certificate, it is possible for that same person to take his practical test in a Cessna 500 or 550 and then be legal to serve as a PIC on a Cessna 501 and 551 without an SIC.

ANSWER 1: The new §61.43(b) neither added to or subtracted from the possibility of this happening. In a review of this issue, we agree that the possibility of this happening is

possible, but as it has always been said ALL the rules in the world will not prevent stupidity. However, to date this office is not aware of any cases where persons who qualified in a Cessna 500 or 550 are operating Cessna 501's and 551's as a PIC in solo flight. Do you know of any such cases where this is occurring or has occurred?
{q&a-6}

QUESTION 10: The revised FAR 61.43(b) requires that the limitation "Second in Command Required" be placed on the airman certificate of an airman who does not demonstrate single-pilot competence during a practical test if the aircraft is type certificated for single-pilot operations.

In the past, the Cessna Exemption (4050I, as amended) defined competence as completing the entire practical test required by the Practical Test Standards (PTS) for the airman rating sought, and it specified circling approaches in both directions. This exemption does not apply to the C-501 and C-551 aircraft, which are type certificated for a single pilot. The PTS for Airline Transport Pilot and type ratings is silent on the subject of single pilot competence.

This office believes, that in order to meet the requirement of demonstrating competence in single-pilot operations, it would be necessary for the applicant to circle in both directions. Additionally, it is felt that an individual who wishes to add single-pilot authority to his/her certificate must complete the entire practical test to remove the restriction. This authority is not clearly granted or denied in the PTS.

We respectfully request guidance on this matter as the date of Part 61 implementation is fast approaching (Aug. 4, 1997).

ANSWER 11: To summarize, the question involves an applicant who qualifies in a Cessna 550 and now holds a CE-500 type rating. No place on that applicant's pilot certificate does it contain the limitation "Second in Command Required" and the applicant did not demonstrate single pilot performance. So the applicant is technically legal to fly a Cessna 501 and a Cessna 551 without an SIC. However going the different route, an applicant who qualifies in a Cessna 501, but did not demonstrate single pilot performance, would have the limitation "Second in Command Required" Both applicants now hold a CE-500 type rating.

The new §61.43(b) did not add nor did it create this problem. we find it quite improbable that a person who has never received training nor passed a practical test in the Cessna 501 (or a Cessna 551 whatever) would attempt to fly it single pilot. We believe this is one of these "what if" questions.

We realize this is a potential problem, but going the other way and requiring our AFS-760 office to place the limitation "Second in Command Required" on every applicant's pilot certificate causes a different set of problems and bookkeeping requirements.
{q&a-73}

61.45

QUESTION: 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.

ANSWER: Ref. § 61.45(c); The below Flight Standards handbook bulletin (i.e., HBGA 00-08) was issued on May 26, 2000 in response to explaining the meaning of "dual controls" as it applies to civil aircraft being used for either flight instruction or practical tests.

ORDER	8700.1
APPENDIX:	3
BULLETIN TYPE:	Flight Standards Handbook Bulletin for General Aviation (HBGA)
BULLETIN NUMBER:	HBGA 00-08
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
TRACKING NUMBER:	N/A

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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.

/s/
Michael L. Henry, Manager,
General Aviation and Commercial Division
{q&a-378}

QUESTION: A pilot holds a commercial pilot certificate with a multiengine land rating. He is making application for an add-on airplane single engine land rating. Is he required to train and test in a complex single engine airplane for the added rating or could the training and practical test be in a non-complex single engine airplane (i.e., Cessna 152 or 172, etc.)?

ANSWER: Ref. §61.45(a)(1)(i) and §61.63(c)(4) and the Commercial Pilot Practical Test Standards, FAA-S-8081-12A, page 1-v, Change 2 (8-15-97), Note No. 1, "Rating Task Table" that states: "1. If an applicant holds an AMEL rating, a complex airplane is not required for added ASEL rating."

The applicant may take the training and the practical test in a non-complex single engine airplane. Reference the "Aircraft and Equipment Required for the Practical Test" stated in the Commercial Pilot Practical Test Standards, FAA-S-8081-12A, Introduction page 6, a complex airplane was required for the initial testing for the commercial certificate in an airplane. Demonstration in complex airplane is required only once for the initial issuance of the commercial airplane certificate and not necessary for class add-on. That is why the above stated note on the Rating Task Table is valid. If, for example the initial commercial certificate were

obtained in a helicopter or glider, testing in a complex airplane would be required for an airplane add-on.
{q&a-359}

QUESTION: We have an application that we returned on correction notice because the instrument maneuvers were not completed. The designated examiner sent a copy of a letter addressed to the FSDO that states "At the time of this ride, the airplane's (i.e., BE-58) navigation equipment was INOP and removed for repairs". It was my understanding that if the aircraft was instrument capable the instrument must be performed, please advise.

The checkride was for an add-on airplane multiengine land rating at the commercial pilot level. The applicant holds a commercial pilot certificate with an airplane single engine land and instrument airplane rating.

ANSWER: Ref. §§61.43(d) and 61.45(b)(1)(i) and (ii); In this scenario, the applicant would be required to perform the required instrument tasks (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A).

In your question, you stated the problem is not with the ". . . aircraft's operating characteristics . . ." but with an inoperative navigation radio. And this aircraft is a current production general aviation airplane (i.e., BE-58). It is not a vintage or antique aircraft that is incapable of instrument flight by type certificate or because of outdated instruments or navaids no longer in production and incompatible for instrument flight as was the case in the scenario with the old Cessna 310 in Q&A #220.

The Commercial Pilot Practical Test Standards, FAA-S-8081-12A requires that Area of Operation IX, Tasks A, B, and C be accomplished. Therefore, the applicant is not allowed to get out of performing the required instrument tasks on this practical test. Otherwise, the reason for the applicant not performing the required instrument tasks (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A) must be because of the provisions permitted under §61.45(b)(2) which only account for ". . . . an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test."
{q&a-358}

QUESTION: I read the HBB 99-07A regarding the Center Line Thrust Limitation and noticed the term "manufacturer's published Vmc". We have an inquiry from an applicant who wishes to build a multiengine trainer and keep it in the experimental-amateur built category. As I read FAR 61, it is possible to train and check an applicant in such an airplane(at the examiner's discretion), but there is no "approved AFM" with a published Vmc. But there could be a POH or such provided by the manufacturer of the kit that has a Vmc. Would this satisfy the requirement for a manufacturer published Vmc?

ANSWER: Ref. §61.45(b)(2); If the builder/operator can show a proven Vmc (emphasis added PROVEN Vmc meaning during the flight test phase) and the aircraft is capable of performing the task "Engine Inoperative - Loss of Directional Control Demonstration" and the other engine inoperative tasks, then yes it is permissible to utilize an experimental-amateur built

multiengine airplane for training and for the practical test ["at the discretion of the examiner . . ." as per §61.45(a)(2)]. However, the aircraft's operating limitations letter, FAA Form 8130-12, and FAA Form 8000-38 must identify the aircraft as an Airplane category and Multiengine class, as required by FAA Order 8130.2C, paragraph 142 b.(8) and per §91.319(e).

This answer has been coordinated with Inspector William F. O'Brien, National Resource Specialist, AFS-300 and Lauren Basham, Manager, AFS-840.
{q&a-334}

QUESTION 1: The situation is I have an applicant who holds a Private Pilot Certificate that reads as follows:

PRIVATE PILOT
AIRPLANE SINGLE ENGINE LAND
INSTRUMENT AIRPLANE

The applicant is seeking a Commercial Pilot Certificate and an Airplane Multiengine Land rating. The applicant has informed me the multiengine airplane (e.g., Cessna 310) is incapable of performing the flight by reference to instruments (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A). Can the applicant be allowed to take the practical test and, if passed, receive the pilot certificate with eather a "VFR ONLY" limitation or the limitation, "The carriage of passengers for hire in multiengine airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited?"

ANSWER 1: Yes, Ref. §61.45(b)(2) and §61.133(b)(1) and FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3); an applicant can be allowed to use an aircraft that is incapable of performing the instrument areas of operations of the practical test. Per §61.45(b)(2), it states:

> "(2) An applicant for a certificate or rating may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test. However, the applicant's certificate or rating, as appropriate, will be issued with an appropriate limitation."

And since the applicant already holds an Instrument-Airplane rating, there is no requirement to add the limitation "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited." Per FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f)

Therefore, the limitation that would be placed on the applicant's pilot certificate who did not perform the required instrument Area of Operation IX, Tasks A, B, and C [of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A] would be "Airplane Multiengine VFR Only." That limitation, per FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3), would be so noted with the limitation, "VFR Only," on the applicant's pilot certificate in the limitation section of that certificate.

So after the applicant satisfactorily accomplishes the Commercial Pilot Practical Test for the multiengine airplane land rating (but remember in this scenario the applicant DID NOT

demonstrate instrument privileges in the multiengine airplane), so the applicant's newly issued pilot certificate will read as follows:

COMMERCIAL PILOT
AIRPLANE MULTIENGINE LAND
PRIVATE PILOT AIRPLANE SINGLE ENGINE LAND
INSTRUMENT - AIRPLANE
Airplane Multiengine VFR Only

QUESTION: 2 I have a situation where an applicant is seeking an additional class rating in a multiengine land airplane at the commercial pilot level. The applicant currently holds a Commercial Pilot Certificate with an Airplane Single Engine Land rating and an Instrument-Airplane rating. The **applicant does not want** [emphasis added does not want] to demonstrate the required instrument tasks (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A) in the multiengine airplane during the practical test. If the applicant did not perform the required instrument tasks during the practical test, do we add a limitation of "VFR only" to the airplane multiengine land rating or the limitation "The carriage of passengers for hire in multiengine land airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited?"

ANSWER 2: Ref. §§61.43(d) and 61.45(b)(1)(i) and (ii); In this scenario, the applicant is required to perform the required instrument tasks (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A). In this situation, the problem is not with the aircraft, but with the applicant who does not to want to perform the required instrument Area of Operation IX, Tasks A, B, and C [of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A]. Therefore, the applicant is not allowed to get out of performing the required instrument tasks on the practical test. Otherwise, the reason for the applicant not performing the required instrument tasks (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A) must be because of the provisions permitted under §61.45(b)(2) which only account for ". . . . an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test."
{q&a-220}

CORRECTION: Removal of the example of a person using a Cessna 336/337 to add an airplane multiengine rating onto a flight instructor certificate for which the applicant already holds an airplane single engine rating. This example was incorrect. For correct information see Q&A #350 under §61.187.

QUESTION 1: Reference §61.45(b). Several calls have been coming in concerning a possible change in policy on allowing Cessna 336's and 337's to again be allowed to be used for practical tests for certificates and ratings. Is this true, has there been a change? It appears with the new wording in §61.45(b) that it is now possible once again to begin doing practical tests in Cessna 336's and 337's.

ANSWER 1: In the preamble of the final rule correction document that was issued on April 23, 1998 (78 FR 20283), we stated the following:

> "Section 61.45 Practical tests: Required aircraft and equipment. In the correction to the final rule, the FAA added the language ``Unless otherwise authorized by the Administrator" to the introductory paragraph of §61.45(b). This language was added to permit an applicant to obtain authorization from the Administrator to take the practical test in an aircraft whose operating characteristics preclude a pilot from demonstrating all of the maneuvers required to be performed during the practical test. For example, the Cessna (C) 336 and 337 series airplanes do not have a published minimum control speed with critical engine inoperative (Vmc) and thus an applicant for an airplane multiengine rating would not be able to perform the Vmc demonstration task if a C-336/337 series airplane is used to take the practical test. As noted in the correction to the final rule, a similar provision was included in §61.13(c) before the adoption of the final rule but was inadvertently omitted when the provisions of that paragraph were incorporated into §61.45(b). Upon further review, the FAA has determined that instead of relying on the phrase ``Unless otherwise authorized by the Administrator," §61.45(b) should be revised to explicitly provide for the use of such aircraft. Therefore, §61.45(b) has been revised to provide that an applicant for a certificate or rating may use an aircraft whose operating characteristics preclude the applicant from performing all of the tasks required for the practical test. The FAA notes that before the adoption of the final rule, §61.13(c) also provided for the placement of a limitation on an applicant's certificate or rating if such an aircraft is used by an applicant. This provision was inadvertently omitted from the previous correction of §61.45(b). Therefore, §61.45(b) now provides that the applicant's certificate or rating will be issued with an appropriate limitation if an aircraft whose operating characteristics preclude demonstration of all the tasks required for a practical test."

Additionally, the Airbus A300 is capable of performing steep turns, and they are in fact required as part of the type rating checkride. Fly-by-wire aircraft, such as the Airbus A320, A330, A340 and B-777 are not required to perform certain maneuvers historically required during the practical test. The FAA's Flight Standardization Board has determined there is no requirement to check steep turns and stalls on these aircraft, by virtue of their design and system architecture. These maneuvers may be addressed as training proficiency items.

Therefore, it is now permissible to use a Cessna 336 or Cessna 337 for an airplane multiengine engine land rating. And the pilot certificates will retain the "Limited to center thrust" limitation that is addressed in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a).

As an example, the person is using a Cessna 336 to add an airplane multiengine land rating onto a commercial pilot certificate for which the applicant already holds an airplane single engine land rating. Specific guidance on the limitations to place on the applicant's pilot certificate, are as follows:

> Commercial Pilot
> Airplane Single & Multiengine Land
> Airplane multiengine land privileges limited to center thrust

NOTE: When the applicant completes a commercial pilot practical test in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Cessna 337 to qualify for an additional airplane multiengine land rating onto her existing Private Pilot certificate and instrument privileges in a multiengine airplane for which the applicant already holds an airplane single engine rating and instrument airplane rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

Private Pilot
Airplane Single and Multiengine Land
Instrument - Airplane
Airplane multiengine land privileges limited to center thrust

NOTE: When the applicant completes the training, endorsements, and the instrument tasks required by the Practical Test Standards in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Ercoupe 415B for a Private Pilot Certificate for an airplane single engine land rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

Private Pilot
Airplane Single Engine Land
Airplane single engine land privileges limited to Ercoupe 415

NOTE: When the applicant completes a private pilot practical test in a single engine airplane that has a published stall speeds and stalling capabilities, the limitation may be removed.

Another example, the person is using an Airbus 320 to apply for an Airline Transport Pilot Certificate with an airplane multiengine land rating and an A320 type rating. The applicant previously held a Commercial Pilot Certificate with ratings in an ASEL, ASES, and AMEL-Limited to Center Thrust. The applicant's AMEL rating was gained previously by completing the practical test in a CE-337. Specific guidance on the limitations to place on the applicant's pilot certificate, are as follows:

Airline Transport Pilot
Airplane Multiengine Land
Commercial Pilot Privileges
Airplane Single Engine Land & Sea
Airplane multiengine land privileges at the ATP level limited to A320

NOTE: When the applicant completes an ATP practical test in a multiengine airplane where stalls and steep turns were performed, the limitation may be removed. The center line thrust limitation was removed at completion of the ATP practical test in the A320, because the A320 has a published Vmc speed.

The guidance for the center thrust limitation for military pilots, is being restated here, in accordance with Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a). Military pilots who

qualify for their Commercial Pilot Certificate with an Airplane Multiengine Land Rating and Instrument-Airplane rating, in accordance with §61.73, and for which the military pilot only qualified in a multiengine airplane that was limited to center thrust during the course of his or her military training shall be issued a center thrust limitation. That guidance is stated in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a) which states in pertinent part, ". . . If the military applicant qualified in a multiengine airplane that does not have a Vmc speed, enter LIMITED TO CENTER THRUST after the airplane multiengine class rating." Specific guidance on the limitation to place on the applicant's pilot certificate, are as follows:

Commercial Pilot
Airplane Multiengine Land
Instrument - Airplane
Airplane multiengine land privileges limited to center thrust

This guidance is being developed and will be incorporated into an upcoming change to FAA Orders 8700.1 and 8710.3C. In the interim, comply with the above guidance. There is an upcoming final rule document that we're getting ready to issue on this matter.

I am sure there may be some aircraft out there that I haven't captured here, so those aircraft will have to be addressed on a case by case basis. If you have a unique situation that occurs that is not addressed here, then please call AFS-840 at 202 267-8196 and this office will give you more specific guidance.
{q&a-89}

QUESTION 3: Reference §61.45(a)(1)(i). Is it possible, as an example, for an applicant to use a Piper Senaca II on the practical test for the complex airplane requirements for the Commercial Pilot Certificate with an airplane single engine land rating? Even if the applicant is not rated in a multiengine airplane"

ANSWER 3: Yes, a complex multiengine airplane can be used on the practical test to meet the complex airplane requirements of the Commercial Pilot Certificate for an airplane single engine land rating.

However, if the applicant does not hold an airplane multiengine land rating, somebody else has to be the PIC for the practical test. Hopefully, this doesn't happen to often.

This is the rationale behind this answer. The aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] just says ". . . **in an airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . ." Now for the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)] it says ". . . **in a multiengine airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . ." We made a distinction between the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] vs. the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)]. In the aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] the rule is silent on whether the airplane has to be a single engine or multiengine. But in §61.129(b)(3)(ii)

for the commercial pilot certificate with a multiengine airplane rating, the rule specifically requires the aeronautical experience be in a multiengine airplane.

But, there is a difference for Part 141 schools. The rules in Appendix D of Part 141 [i.e., paragraph (b)(1)(ii)] specifically require the training to be in a complex single engine airplane for a course of training leading to a Commercial Pilot Certificate with an airplane single engine rating. Yes, the rule was written that way on purpose! We should expect better standards from our Part 141 schools without question!
{q&a-89}

QUESTION 3: Ref 61.45(c), how does a DPE give a practical test in a glider if the regs require engine power controls?

ANSWER 3: The intent of §61.45(c) is really for powered aircraft. Well, it also applies for taking practical tests in motorized gliders. But we agree, we probably should have added the words "and a glider without an engine)" in the phrase "(other than a lighter-than-air aircraft)."
{q&a-67}

QUESTION 2: The Winston-Salem police department wants to use their military surplus OH-58 helicopters to qualify some of their police personnel for a commercial pilot certificate with a helicopter rating. These OH-58 helicopters do not hold any kind of FAA airworthiness certificate. They are excess military aircraft that were given to the police department. Can they take their practical tests in these helicopter?

ANSWER 2: No; per §61.45(a)(1)(ii) or (a)(2)(i). The aircraft has to have an airworthiness certificate. This is not just required in §61.45(a), but is also a requirement in Public Law 100-223, AC No. 00-1.1 [i.e., paragraph 5.a.], and also by HBGA 97-06, paragraph 3 that was issued on June 11, 1997. Furthermore, we in the FAA have the responsibility to administer Public Law 100-223. Per this public law and per an AGC-100's legal interpretation, training for pilot certification is not even permitted in these public use aircraft that do not hold an FAA airworthiness certificate.
{q&a-75}

61.49

QUESTION: An applicant holds a private pilot certificate with ASEL and AMEL ratings. He attempted a initial instrument airplane check ride in a PA23 airplane multiengine land airplane. He passed all area of operation EXCEPT Area of Operation V, Objective 4 (intercept a specified radial at a predetermined angle, inbound or outbound from a navigational facility). The question is: Can he use a ASEL for the re-test?

It would seem that he could since the applicant did furnish an appropriate aircraft and did successfully complete the tasks required (Area's of Operation II and VII.) to not have a restriction against AMEL (MEL VFR ONLY) on his instrument rating. Had the applicant wanted to, he could have split the check ride into two airplanes to start with; doing most of the ride in a ASEL and then just doing those specified tasks called out for AMEL privileges.

Therefore I believe it would be acceptable for the retest to be completed in a Cessna 172 or any other properly equipped ASEL.

ANSWER: Ref. § 61.49(a); §61.45(a)(1)(i); the Commercial Pilot PTS – Airplane MEL, Area of Operation IX; and the Instrument Rating PTS - Airplane; and § 61.65(a)(8)(ii).

YES, The applicant may perform the retest in that Cessna 172 or other properly equipped ASEL.

The basis for the answer:
For instrument privileges in a multiengine airplane, per the Commercial Pilot PTS – Airplane MEL, Area of Operation IX, the applicant is only required to perform Tasks A, B, and C [*i.e., A. Engine Failure During Flight (By Reference to Instruments); B. Instrument Approach – All Engine Operating (By Reference to Instruments); C. Instrument Approach – One Engine Inoperative (By Reference to Instruments)*].

And a further review of §61.45(a)(1)(i), it states "(i) Is of the category, class, and type, if applicable, for which the applicant is applying for a certificate or rating." "Class" is not appropriate in this situation, because the Instrument Rating is only an Airplane category. "Type" isn't appropriate in this situation either. The "category" is met with the Cessna 172.

You stated, ". . . the applicant only failed Area of Operation V, Objective 4 . . . to intercept a specified radial at a predetermined angle, inbound or outbound from a navigational facility . . ." of the Instrument Rating PTS. That is not a "Area of Operation" that is uniquely associated with the AMEL rating for instrument privileges and otherwise § 61.49(a) is silent on this issue.

So, the applicant may perform the failed " Area of Operation V, Objective 4" for the retest in an airplane single engine land. Or it may be performed in a flight training device. Or it may be performed in a flight simulator. Ref. § 61.65(a)(8)(ii).
{q&a-410}

QUESTION 1: Does an applicant for an ATP or type rating **retest** have to have an instructor endorsement on the back of an airman application?

ANSWER 1: §61.49(a)(2); The answer is yes, an applicant for an ATP or type rating retest must have an instructor endorsement on the back of an airman application.

QUESTION 2: If yes, does the instructor who signs the application have to have a flight instructor certificate issued under Part 61 with the category, class and, if applicable, type rating associated for the type of retest?

ANSWER 2: Ref. §61.3(d)(2)(iii) or §61.3(d)(3)(i) through (v) and §61.167(b); It would have to be a holder of a CFI certificate and that CFI would have to hold the type rating on his/her pilot certificate, if it is a type rated aircraft. However, there are five exceptions listed under §61.3(d)(3) (i) through (v). Two of the exceptions may apply to this situation.

One of the exceptions for requiring a CFI is addressed in §61.3(d)(3)(ii), whereas the signing instructor is only required to hold an airline transport pilot certificate with a rating appropriate to the aircraft in which the training is given . . ." if ". . . the training is given in accordance with the privileges of the certificate and conducted in accordance with an approved air carrier training program approved under part 121 or part 135 of this chapter . . ."

The other of the exceptions is §61.3(d)(3)(iii) in the case of training provided under Part 142, the signing instructor for the re-test would not need to hold a CFI if ". . . the training is given by a person who is qualified in accordance with subpart C of part 142 of this chapter, provided the training is conducted in accordance with an approved part 142 training program . . ."
{q&a-355}

QUESTION 9: §61.49(a)(2) states:

"(2) An endorsement from an authorized instructor who gave the applicant the additional training."

Where is the endorsement given, on a piece of paper, another application, logbook???

ANSWER 9: We will change §61.49(a)(2) to clarify where the endorsement should be placed to read as follows:

(2) An endorsement on a newly completed application and in the applicant's logbook from an authorized instructor who gave the applicant the additional training.
{q&a-30}

61.51

QUESTION: Ref. § 61.51;

1. You ask whether the above pilot can log PIC time during those portions of the flight when he or she is the sole manipulator of the controls and whether a pilot may be considered the SIC for the part 135 operation if he or she is paying the part 135 operator to conduct the flight.

Answered by: Donald P. Byrne, Assistant Chief Counsel, Regulations Division, AGC-200, Washington, DC

Mr. Jeff Karch
P.O. Box 5791
Lynnwood, WA 98046-5791

Dear Mr. Karch:

This is in response to your letter dated August 26, 1996, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), concerning the logging of pilot-in-command (PIC) time. Additionally, your letter raises questions regarding the qualifications of pilots designated as second in command (SIC) by part 135 (14 CFR part 135) operators.

In your letter you present the following scenario: A pilot, wishing to advance his or her career, pays a part 135 operator to fly in the right pilot seat during part 135 operations. The part 135 operator designates this pilot as second in command (SIC) and allows him or her to manipulate the controls. The aircraft being flown during these operations is not required by type certification to have more than one pilot and the part

135 operation being conducted does not require more than one pilot. You ask whether the above pilot can log PIC time during those portions of the flight when he or she is the sole manipulator of the controls and whether a pilot may be considered the SIC for the part 135 operation if he or she is paying the part 135 operator to conduct the flight. The answers to these questions are discussed below.

The logging of flight time is governed by section 61.51 of the Federal Aviation Regulations (14 CFR part 61.51). That section requires the logging of aeronautical experience used to meet the requirements for a certificate or rating, flight review, or the recent flight experience requirements of 14 CFR part 61. The FAA does not require the logging of other flight time, but it is encouraged.

Logging of SIC flight time is governed by section 61.51(f), which provides, in pertinent part, that a person may log SIC time only for that flight time during which that person acts as SIC of an aircraft on which more than one pilot is required by the aircraft's type certificate or the regulations under which the flight is conducted.

If a pilot designated as SIC is not required by either the aircraft type certificate or the regulations under which the operation is being conducted (e.g. 14 CFR part 135.103), as is the case in the scenario above, then the pilot designated as SIC may not log flight time as SIC. Although the flight time cannot be logged as SIC time, the pilot designated as SIC may be able to log part or all of the flight time as PIC in accordance with section 61.51(e).

Section 61.51(e) provides, in pertinent part, that a private or commercial pilot may log PIC time only for that flight time during which that person is the sole manipulator of the controls of an aircraft for which the pilot is rated, or is acting as the PIC of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted.

Accordingly, a pilot designated as SIC may log as PIC time all of the flight time during which he or she is the sole manipulator of the controls of an aircraft for which that individual is rated. Although the pilot designated as SIC in the scenario you provided in your letter may be properly logging flight time pursuant to section 61.51(e), the more important issue raised in your letter concerns whether or not this individual is properly qualified to be designated as SIC and to manipulate the controls of the aircraft.

Section 135.95 of the Federal Aviation Regulations (14 CFR part 135.95) provides, in pertinent part, that no certificate holder may use the services of any person as an airman unless the person performing those services holds an appropriate and current airman certificate and is **qualified**, under this chapter, for the operation for which the person is to be used. (Emphasis added)

Section 135.115 of the Federal Aviation Regulations (14 CFR 135.115) governs who may manipulate the controls of an aircraft being operated under part 135. This section states, in pertinent part, that no person may manipulate the flight controls of an aircraft during a flight conducted under part 135 unless that person is a pilot **employed** by the certificate holder and **qualified** in the aircraft. (Emphasis added)

As a result, a part 135 operator may only designate a pilot as SIC and allow that individual to manipulate the controls of the aircraft if that pilot is "qualified" in the aircraft and "employed" by the certificate holder. In order to be "qualified" in the aircraft for the operation for which the person is to be used, a pilot designated as SIC must meet all applicable regulatory requirements including the eligibility requirements under section 135.245 (14 CRF part 135.245) and the initial and recurrent training and testing requirements under section 135.293 (14 CFR part 135.293).

Section 135.245 provides, in part, that a certificate holder may not use any person, nor may any person serve, as SIC of an aircraft unless that person holds at least a commercial pilot certificate with appropriate category and class ratings and an instrument rating.

Section 135.293 provides, in part, that a certificate holder may not use any person, nor may any person serve as a pilot, unless that pilot has passed a written or oral test on the listed subjects in this section as well as pass a competency flight check.

Therefore, a part 135 operator may only designate a pilot as SIC if that pilot is properly "qualified" in accordance with the regulations including sections 135.95 and 135.115 (he or she holds the appropriate certificate and ratings pursuant to section 135.245 and that pilot has received the initial and recurrent training and testing requirements in accordance with section 135.293).

In addition to being properly "qualified," a pilot may only manipulate the controls of an aircraft under section 135.115 if that individual is also "employed" by the part 135 operator. A pilot is considered to be "employed" by a certificate holder under part 135 if the pilot's services are being "used" by the certificate holder. This is the dictionary definition of the word "employed"; there does not have to be a direct employer to employee compensatory relationship. While there does not have to be a direct employer to employee compensatory relationship, there does have to be an oversight relationship of the individual by the certificate holder for that individual to be considered properly "employed" (used) by the certificate holder.

As part of this oversight relationship, the part 135 operator is required, pursuant to 14 CFR part 135.63(a)(4), to keep certain records of each pilot the certificate holder uses in flight operations (e.g. the pilot's full name, the pilot's certificates and ratings, the pilot's aeronautical experience, the pilot's duties and assignments, the date and result of each initial and recurrent competency tests and proficiency and route checks, the pilot's flight time,…). In addition, the part 135 operator is required under 14 CFR parts 135.251 and 135.255 to provide, directly or by contract, drug and alcohol testing for each individual it "uses" in safety-sensitive positions. Flight crewmember positions, of which pilots fall under, are considered to be safety-sensitive positions as defined under part 121, appendices I and J, (14 CFR part 121, appendices I and J), which require drug and alcohol testing.

In summary, based on your scenario, a pilot, wishing to advance his or her career, may pay a part 135 operator to fly in the right pilot seat during part 135 operations provided he or she is qualified, under part 135, for the operation for which the person is to be used. In addition, this pilot may manipulate the controls of the aircraft during part 135 operations provided he or she is employed by the certificate holder. This pilot may be designated as SIC even though the aircraft being flown does not require more than one pilot and the regulations under which the flight is being conducted do not require more than one pilot. Finally, this pilot may log PIC time for those portions of the flight when he or she is the sole manipulator of the controls of an aircraft for which the pilot is rated, but may not log any portion of the flight as SIC time.

We hope that this satisfactorily answers your questions. This opinion has been coordinated with Flight Standards.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations Division

{q&a-393}

QUESTIONS: Ref. § 61.51;

1. First, you ask whether you could act as pilot in command, and log pilot-in-command flight time, on any aircraft that your are appropriately rated, on flights conducted under part 91.

2. Second, you ask whether you may log pilot-in-command flight time, under part 91, when you are not the acting pilot in command.

3. Third, you ask whether you may log pilot-in-command flight time, under part 135, when you are not the acting pilot in command.

4. Fourth, you ask whether both the pilot in command and the second in command may log pilot-in-command flight time simultaneously.

Answered by: Donald P. Byrne, Assistant Chief Counsel, Regulations Division, AGC-200, Washington, DC

August 21, 2000

Mr. George E. Prasinos
413-B South Melville Ave.
Tampa, FL 33606

Dear Mr. Prasinos:

Thank you for your letter dated January 27, 2000, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding acting as pilot in command and the logging of pilot-in-command flight time.

In your letter you state that you are the holder of an airline transport pilot (ATP) certificate and a first-class medical certificate. Your ATP certificate contains the appropriate ratings (category, class, and type rating) for the operation of a Citation 560. You are employed as second in command on a Citation 560 for a part 135 operator (14 CFR part 135). You operate the Citation 560 on both part 135 and part 91 (14 CFR part 91) operations. You state that you have successfully completed a "VFR/IFR SIC Part 135 check (Citation 560)" and that you meet the second in command qualifications under section 61.55 (14 CFR section 61.55). You then ask four questions.

First, you ask whether you could act as pilot in command, and log pilot-in-command flight time, on any aircraft that your are appropriately rated, on flights conducted under part 91.

You may act as pilot in command on all aircraft that you hold the appropriate ratings (category, class, and type (if a type rating is required)) on your pilot certificate, under part 91, if your pilot certificate is current and valid, your pilot certificate authorizes the privileges you seek to exercise, and you hold a current and valid medical certificate issued under part 67 (14 CFR part 67) appropriate to the privileges you seek to exercise (see section 61.23(a) and (b)). In order for your pilot certificate to be "current" for acting as pilot in command, you must meet the recent flight experience requirements under section 61.57 that are appropriate to the operation you seek to conduct, and you must meet the flight review requirements under section 61.56. In order for your pilot certificate to be "valid," your pilot certificate must not be suspended, revoked, or expired. In order for your medical certificate to be "current," it must meet the appropriate duration requirements under section 61.23(c) for the privileges you seek to exercise. In order for

your medical certificate to be "valid," your medical certificate must not be suspended, revoked, or expired.

You may log pilot-in-command flight time in accordance with section 61.51(e). Section 61.51(e) provides, in pertinent part, that you may log pilot-in-command flight time during which you are the sole manipulator of the controls of an aircraft for which you are rated, you are the sole occupant of the aircraft, you are acting as pilot in command on an aircraft on which more than one pilot is required under the type certification or the regulations under which the flight is conducted, or while you (the holder of an ATP certificate) are acting as pilot in command of an operation requiring an ATP certificate.

Second, you ask whether you may log pilot-in-command flight time, under part 91, when you are not the acting pilot in command. The answer is yes. You may log pilot-in-command flight time for all of the flight time during which you are the sole manipulator of the controls of an aircraft for which you are rated (section 61.51(e)(1)(i)).

Third, you ask whether you may log pilot-in-command flight time, under part 135, when you are not the acting pilot in command. The answer is yes. As stated above, you may log pilot-in-command flight time for all of the flight time during which you are the sole manipulator of the controls of an aircraft for which you are rated (section 61.51(e)(1)(i)).

Fourth, you ask whether both the pilot in command and the second in command may log pilot-in-command flight time simultaneously. The answer is yes. If more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted then the acting pilot in command may log pilot-in-command flight time for the entire flight even though he or she may not manipulate the flight controls, and the second in command may log pilot-in-command flight time for all of the flight time during which he or she is the sole manipulator of the controls as long as he or she is rated in that aircraft (section 61.51(e)(1)(iii)). In addition, if the regulations require the pilot in command to hold an ATP for that operation, even if more than one pilot is not required under the type certification of the aircraft or the regulations under which the flight is conducted, then the acting pilot in command may log pilot-in-command flight time for the entire flight even though he or she may not manipulate the flight controls, and the second in command may log pilot-in-command flight time for all of the flight time during which he or she is the sole manipulator of the controls as long as he or she is rated in that aircraft (section 61.51(e)(1)(i) and (2)).

Please note that there is a distinction between *acting* as pilot in command and *logging* of pilot-in-command flight time. In the discussions of logging of pilot-in-command flight time, I am discussing the logging of pilot-in-command flight time for purposes of section 61.51, where you are keeping a record to show recent flight experience or to show that you meet the requirements for a higher certificate or rating. This is important because even though you may properly log pilot-in-command flight time, you may not be qualified to act as pilot in command. In addition, under part 135, you may be able to properly log flight time in accordance with section 61.51, even though you may not meet the pilot qualification requirements of part 135. I have attached a previous interpretation issued by this office that discusses this issue.

I hope this satisfactorily answers your questions. This opinion has been coordinated with Flight Standards.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations Division

{q&a-392}

QUESTION: Some time ago I wrote looking for input on FAR 1.1 that defines "pilot flight time". I said that some of our pilots claimed "flight time" included start, warmup, taxi, runup, and further taxi (all under the assumption that this time is "for the purpose of flight") while the purists in the group claimed that flight time didn't even start until power was applied at the end of the runway.

After we get to FAR 1.1, does flight time include start, warm-up, taxi to the run-up area, further taxi to the runway, etc. or does "moving under its own power for the purpose of flight" begin only when the aircraft is lined up on the centerline beginning its take-off roll? The argument, of course, is that since most GA aircraft begin charging for the airplane once the engine starts, most pilots have decided to log what they pay for.

But there is another group of pilots who say that warm-up and taxi time is not flight time.

Has the FAA explained the definition we find in FAR 1.1?

ANSWER: Ref. § 1.1 and § 61.51; It means ". . . when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing . . ." Or, the more commonly referred definition is "Block-to-Block" time. The following has been checked and verified with General Counsel, AGC-240:

Start up: No, you can not log that as flight time.

Warm-up: No, you can not log that as flight time if the aircraft has not yet moved from the parking location.

Taxi: Yes, you can log that as flight time.

Run-up: Yes, you can log that time. After all, attempted flight without run-up could appear careless & reckless.

Further taxi to the runway, etc.: Yes, you can log that as flight time.

The aircraft moves out onto the runway, throttle up to takeoff power, and begins the takeoff roll: Obviously, yes, you can log that as flight time.

Landing and roll out: Yes, you can log that as flight time.

Taxi in to parking: Yes, you can log that as flight time.

Engine Shut Down: No you can not log that as flight time after the airplane is in a parking position.
{q&a-374}

QUESTION 1: The situation: A private pilot is training for the instrument rating. Both he and the instructor are current in the airplane and both have current medicals. Who will log the PIC time? I know that the CFI will, based on §61.51(e)(3). The main question is, will the private pilot who is training for the instrument rating ALSO log PIC time, based on §61.51(e)(1)(i)?

ANSWER 1: Ref. §61.51(e)(1)(i); Yes , provided the private pilot ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . ." then that private pilot may also log the time as PIC time.

QUESTION 2: Same situation: Next, does the phrase, "for which the pilot is rated" in §61.51(e)(1)(i) mean the private pilot IS or IS NOT rated in the airplane when training for the instrument rating. If he is then he should also be able to log PIC. If he is not, then he would not be able to log PIC, and would log only "dual" instruction.

ANSWER 2: Ref. §61.51(e)(1)(i); The phrase ". . . of an aircraft for which the pilot is rated . . ." means the aircraft, not the conditions of flight. So, the private pilot would log the time when he/she ". . . Is the sole manipulator of the controls . . ." as PIC time and training received time.

QUESTION 3: Would this also apply to adding additional class ratings, such as multiengine and seaplanes?

ANSWER 3: Ref. §61.51(e)(1)(i); Again, the phrase ". . . of an aircraft for which the pilot is rated . . ." means the aircraft for which the pilot is rated. Airplane multiengine land or airplane single engine sea are a specific category and class of airplane rating. For example, if the private pilot was receiving instrument training in a multiengine airplane with a flight instructor (e.g., CFII & ME ratings), then the private pilot would have to hold an Airplane Multiengine Land rating on his/her private pilot certificate in order to log PIC time in that airplane multiengine land. If the private pilot in this example held only single-engine land rating, he/she could only log "training received" time and could NOT log PIC.
{q&a-368}

QUESTION: We had a discussion about whether a private pilot SSA member, acting as a tow pilot, could, without monetary compensation:

1) Log the time he/she towed
2) Count the time toward additional ratings or certificates.

My understanding is that the time can be logged, but not used toward a new rating. This would allow the logged time to satisfy currency requirements for tailwheel time, PIC time, etc.

ANSWER: Ref. §61.113(g) and §61.51(e)(1); Yes, a pilot who is serving as a "tow pilot" may log the flight time when he or she is towing. And there are no rules that would prevent counting that time toward currency or the furtherance of a rating or certificate. As per §61.113(g), it states:

> (g) A private pilot who meets the requirements of Sec. 61.69 of this part may act as pilot in command of an aircraft towing a glider.

and

Section 61.51(e)(1) states:

> (e) Logging pilot-in-command flight time. (1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person--
> (i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated;

{q&a-356}

QUESTION 1: I have a situation where a flight school is allowing two pilots (PP #1 and PP #2), who are both private pilots and both hold airplane single engine land ratings, to go out together for PIC training. Both pilots are enrolled in the school's Commercial Pilot - Airplane Single Land course. No instrument flight training (i.e., otherwise no use of a view limiting device, hood, etc.) is occurring. The training is purely to practice takeoffs, landings, performance maneuvers, etc. The aircraft being used is a Cessna 172. The school assigns PP #1 to serve as the pilot in command (i.e., § 1.1) for the flight. During the flight, PP #2 is the sole manipulator of the controls and then they switch seats and PP #1 becomes the sole manipulator of the controls. At the conclusion of the flight, the breakdown of the flight was the total flight time flown was 3.0 hours. The flight occurred during daytime visual conditions. PP #2 was the sole manipulator of the controls for 2.0 hours. PP #1 was the sole manipulator of controls for only 1.0 hours. But PP #1 served as the PIC for the entire flight.

How does each pilot log the time?

ANSWER 1: Ref. § 61.51(e)(1)(i); PP #1 logs 1.0 PIC time, 1 hour of airplane single engine land time, and 1 hour of total flight time. PP #2 logs 2.0 PIC time, 2.0 hours of airplane single engine land time, and 2.0 hours of total flight time.

The rule that addresses logging of time is § 61.51. Section 1.1 merely addresses the legal basis for serving as pilot in command, but not logging the time.

QUESTION 2: Similar situation and again the situation is two pilots (PP #1 and PP #2), who are both private pilots and both hold airplane single engine land ratings, go out together for

PIC training. Both pilots are enrolled in this school's Commercial Pilot - Airplane Single Land course. No instrument flight training (i.e., otherwise no use of a view limiting device, hood, etc.) is occurring. The training is purely to practice takeoffs, landings, performance maneuvers, etc. The aircraft being used is a Cessna 172. The school assigns PP #1 to serve as the pilot in command (i.e., § 1.1) for the entire flight. During the entire flight, PP #2 is the sole manipulator of the controls. At the conclusion of the flight, the breakdown of the flight was the total flight time flown was 3.0 hours. The flight occurred during daytime visual conditions. PP #2 was the sole manipulator of the controls for the entire flight. PP #1 served as the PIC for the entire flight and never once touched the controls.

How does each pilot log the time?

ANSWER 2: Ref. § 61.51(e)(1)(i) and § 61.51(a)(1) and (2); PP #2 logs 3.0 of PIC time, 3.0 hours of airplane single engine land time, and 3 hour of total flight time.

PP #1 cannot log ANY OF THE TIME for the purpose of recording the time to document training and aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part. Nor can PP #1 log ANY OF THE TIME for the purpose of recording the time for the aeronautical experience required for meeting the recent flight experience requirements of this part.. Otherwise, PP #1 cannot use any of the time for meeting the requirements of § 61.51(a)(1) and (2).

Notice how I very specifically qualified my answer as it relates to PP #1. In effect, I said PP #1 cannot log ANY OF THE TIME for meeting the requirements set forth in § 61.51(a)(1) and (2). And § 61.51(a)(1) and (2) states:

> (a) Training time and aeronautical experience. Each person must document and record the following time in a manner acceptable to the Administrator:
>
> (1) Training and aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part.
>
> (2) The aeronautical experience required for meeting the recent flight experience requirements of this part.

{q&a-353}

QUESTION: Regarding §61.51's definition of "operating an aircraft" an aircraft certified for two pilots is being operated under part 121. The PIC is "flying" the aircraft. The SIC is the non-flying pilot. Can the SIC log actual instrument flight time for those periods of actual IMC conditions when the PIC is flying the aircraft? Is the SIC considered to be "operating" the aircraft at this moment to justify logging this instrument time.

ANSWER: Ref. §61.51(f) and (g); The SIC is permitted to log the time as SIC time, as per §61.51(f). However, he is not permitted to log the time as instrument time, because as per §61.51(g), the person can only log instrument time ". . . for that flight time when the **person operates the aircraft** solely by reference to instruments under actual or simulated instrument flight conditions . . ." {Emphasis added "operates the aircraft"]. In your scenario, you stated the SIC was the non-flying pilot. So, the SIC crewmember was not operating the aircraft.

And even though you didn't ask, the logged time has limited value. It cannot be used for the recency of experience under §61.57(c) because " . . . operates the aircraft . . ." (otherwise meaning hands-on, flying pilot, etc.) is required.

Nor can this SIC time be used for meeting the ATP instrument aeronautical experience requirements of §61.159(a)(3) [i.e., "75 hours of instrument flight time, in actual or simulated instrument conditions, subject to . . . ."]
{q&a-345}

QUESTION: I recently upgraded to captain and have a question regarding the logging of flight time. My question is: As the PIC, when I'm not the flying pilot, should I be logging night and/or instrument flight time? Obviously the approaches can't be logged, but I'm wondering if the actual instrument time can be logged. Same goes for the night time.

ANSWER: Ref. §61.51(e)(2) and §61.57; If you're a holder of an ATP certificate, and provided you're ". . . acting as pilot-in-command of an operation requiring an airline transport pilot certificate" then yes you may log actual instrument time and night time while acting as pilot-in-command. But don't read into that answer, that you can count the time toward meeting the recent flight experience of §61.57. Because you can't. Those requirements are "hands-on-the-controls" requirements.
{q&a-340}

QUESTION: Don't have a specific example, but can you give me the low down on how flight simulator and flight training device time can be logged (flight time, pic, sic, night, x-c, etc.) in a persons log book.

ANSWER: **R**ef. §61.51(b)(1)(iv), (b)(3)(iii), (g)(4), and (h)(1) and §61.51(a)(1) and (2); But keep in mind the requirements for logging time is only required for the purposes stated in §61.51(a)(1) and (2). As per §61.51(a)(1) and (2), it states:

> (1) Training and aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part.
> (2) The aeronautical experience required for meeting the recent flight experience requirements of this part.

I also direct you to the definition of "flight training" as per §61.1(b)(6) which states: "Flight training means that training, other than ground training, received from an authorized instructor **in flight in an aircraft**." Emphasis added "**in flight in an aircraft**." And furthermore, §61.51(h)(1) addresses logging of training time as "A person may log training time when that person receives training from an authorized instructor in an aircraft, flight simulator, or flight training device."

However, time in a flight simulator or flight training device CANNOT be logged as "flight time" or as "PIC time" or as "SIC time" or as "night time" or as "daytime" or as "cross country time" or as time in an "aircraft category, class, or type." Time in a flight simulator or flight training device can only be logged in the columns noted as "Flight Simulator or Flight Training Device" time and "Dual Received" time. And in most logbooks, the person has to write in the notation

"FS/FTD" as a heading on one of the extra columns. And in some logbooks they do have a column noted as "Synthetic Trainer."

Now, where the FARs specifically permit it [i.e., §61.57(c)(1) and (d)(1)(ii), §61.58(e), §61.65(e), §61.109(i), §61.129(i), §61.157(i), §61.187(c)(2), etc.], time in a flight simulator or flight training device can be credited in lieu of the required flight time towards meeting the total aeronautical experience or recency of experience, but it CANNOT be logged as flight time. For example, an ATP applicant with 1,475 hours total time as a pilot in aircraft that includes at least 500 hours cross-country and 100 hours night, but only 50 hours instrument flight time would meet minimum aeronautical experience using 25 hours instrument training in a flight simulator or flight training device (FTD) in accordance with §61.156(a)(3)(iii). Though the 25 hours in the sim/FTD can not logged as flight time, it may be used in lieu of flight time for the minimum aeronautical experience requirement of 1,500 hours total time. But, only because it is allowed under §61.156(a)(3)(iii).

Now, the way it would be interpreted and should be logged on the FAA Form 8710-1 application is to list the time in the "Instruction Received" and "Instrument" columns and in the line for "Training Device" or "Simulator" in the appropriate boxes. When the time is computed to insure the applicant meets the appropriate aeronautical experience requirements for the airman certificate and rating sought, the time listed in the "Instruction Received" column and "Training Device" or "Simulator" boxes, as appropriate, would be accepted in lieu of the required flight time experience required to the limit allowed, as in the example above.
{q&a-320}

QUESTION: Situation: Student holds Private-ASEL, with 61.31 tailwheel endorsement. Instructor holds Commercial-ASEL-IA and CFI-ASE-IA, but no tailwheel experience and endorsement.. The student is working on an Instrument-Airplane rating.

QUESTION 1: Can this instructor give instrument instruction towards an instrument rating to the student in a single-engine tailwheel airplane while the student serves as PIC?

ANSWER 1: Ref. §61.51(e)(3), §61.31(e) and §61.195(c); Yes, the flight instructor may log the time as PIC time. Yes, the instructor may give instrument instruction towards an instrument rating to a student in a single-engine tailwheel airplane while the student serves as PIC. But the flight instructor CANNOT ACT as PIC. And the reason I say may **log** the time as PIC time is per §61.51(e)(3) [i.e., "An authorized instructor may log as pilot in command time while acting as an authorized instructor"]. But be advised, somebody must be aboard the aircraft who meets the requirements of §61.31(e) in order to ACT AS PIC.

QUESTION 2: If so, can the instructor log PIC time under the "authorized instructor giving instruction" clause of 61.51, or is he banned from logging PIC time because he lacks the tailwheel endorsement? (The only part of 61.51 to which I've seen the requirement for a 61.31 endorsement applied is logging PIC time under the "sole manipulator" clause.)

ANSWER 2: Ref. §61.51(e)(3); Yes, the flight instructor may log the time as PIC time while performing instrument instruction and only that time while giving instrument instruction.

Emphasis added it has to be instrument instruction. But again be advised, somebody must be aboard the aircraft who meets the requirements of §61.31(e) in order to ACT AS PIC.

QUESTION 3: If allowed to instruct but banned from logging PIC time, would the instructor then log only "dual given" and SIC (as safety pilot) for the period during which the student is under the hood?

ANSWER 3: Ref. §61.51(e)(3); Yes, the flight instructor may log the time as PIC time while performing instrument instruction and only that time while giving instrument instruction.

QUESTION 4: If the instructor is allowed to instruct, would the only "dual received" time logged by the student be the time during which instrument instruction is received, i.e., the hooded time.

ANSWER 4: Ref. §61.51(e)(1); The person receiving the instrument instruction, may log it as PIC time during that time that person ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . ." But ONLY during the time while the person ". . . Is the sole manipulator of the controls . . ." Emphasis added while ". . . the sole manipulator of the controls . . ." In the scenario you've given, be advised if the person isn't manipulating the controls he must stop logging PIC time, but he will be the acting PIC, per §1.1, for the entire flight. Because remember you said, the flight instructor is not qualified in a tailwheel airplane.

Refrences: §61.31(e) and §61.51(e)(1) and (3) and §61.195(b) and (c).
{q&a-297}

QUESTION 1: The question came up about logging "actual" instrument time when over the desert at night with no visual references. When you are flying with sole reference to instruments, is that actual time? If not, is it "simulated" instrument time? Our take on the question is actual instrument time can only be logged when the aircraft is in IMC. The weather determines actual instrument time, not flying by sole reference to instruments. That settles the actual instrument question, but what about "simulated" instrument time? Our feeling is it can be logged as "simulated instrument time." It would be the same as having a hood on while flying by sole reference to instruments. What about the requirement for a safety pilot under these conditions? Our answer is "no" because the pilot is still able to "see and avoid" conflicting traffic.

ANSWER 1: Ref. §61.51(g); The only definition in the rules is the definition on "instrument flight time" and that is addressed in §61.51(g) and is defined as:

(g) Logging instrument flight time.
(1) A person may log instrument time only for that flight time when the person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions.

However, I understand your question to be that you're asking for a definition of "actual instrument time" as opposed to "simulated instrument time." I believe you're interchanging the terms "actual instrument time" where the rules only state "actual instrument conditions." And

you state "simulated instrument time" but the rules only state "simulated instrument **conditions**." So there is no official FAA definition on "actual instrument time" or "simulated instrument time" in the FARs, FAA Orders, advisory circulars, FAA bulletins, etc. And the reason why the FAA has never officially defined "actual instrument time" or "simulated instrument time" is because in all of the aeronautical experience requirements for pilot certificate and/or ratings in Part 61, the rule does not differentiate between "actual instrument time" as opposed to "simulated instrument time." In fact, in Part 61 it only refers to the aeronautical experience for instrument time to be ". . . instrument flight time, in actual or simulated instrument conditions . . ." So it is irrelevant whether the instrument flight time is logged as "actual instrument time" or "simulated instrument time." Part 61 only refers to "actual instrument **conditions**" or "simulated instrument **conditions**."

I agree with your statement that just because a person is flying ". . . by sole reference to instruments . . ." has nothing to do with whether the flight can be logged as "actual instrument time" or "simulated instrument time." Only the weather conditions establish whether the flight is in "actual instrument **conditions**." And that is dependent on the weather conditions where the aircraft is physically located and the pilot makes that determination as to whether the flight is in "actual instrument **conditions**" or he is performing instrument flight under "simulated instrument **conditions**." But for a "quick and easy" answer to your question, it was always my understanding if I were flying in weather conditions that were less than the VFR weather minimums defined in §91.155 and I was flying "solely by reference to instruments" then that was the determining factor for being able log instrument flight under "actual instrument **conditions**."

Otherwise, if I were flying solely by reference to instruments in VMC conditions then I would log it as instrument flight in "simulated instrument **conditions**." In your example, the flight is clear of clouds and in good visibility conditions at night over the desert with an overcast above and no visible horizon. But other examples could include flight between sloping cloud layers or flight between layers of clouds at night. These could equally meet the requirement for operations that can only be accomplished solely by reference to instruments. But, the lack of sufficient visual reference to maintain aircraft control without using instruments does not eliminate the possibility of collision hazard with other aircraft or terrain.

So, now to answer your other question "What about the requirement for a safety pilot under these conditions? Your question is answered by §91.109(b)(1) and it states:

> "(b) No person may operate a civil aircraft in simulated instrument flight unless—
> (1) The other control seat is occupied by a safety pilot who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown."

Normally, in order to log instrument flight time under "simulated instrument **conditions,**" the pilot needs to be utilizing a view limiting device. But, the only place in the rules requiring a view limiting device will be found under §61.45(d)(2) as part of the equipment for a practical test. Otherwise, no where else in the rules, orders, bulletins, or advisory circulars does it specifically state that pilots need to be utilizing a view limiting device. But, except for meteorological conditions as in our examples above, how else, could a pilot comply with §61.51(g) for logging instrument flight time [i.e., ". . . when the person operates the aircraft solely by reference to

instruments . . ."] unless the pilot was utilizing a view limiting device when logging instrument flight time in simulated instrument conditions?

QUESTION 2: Am I correct in understanding that a CFII may log approaches that a student flies when those approaches are conducted in actual instrument conditions? Is there a reference to this anywhere in the rules?

ANSWER 2: Ref. §61.51(g)(2); Yes, a CFII may log approaches that a student flies when those approaches are conducted in actual instrument flight conditions. And this would also permit that instructor who is performing as an authorized instructor to ". . . log instrument time when conducting instrument flight instruction in actual instrument flight conditions" and this would count for instrument currency requirements under §61.57(c).

QUESTION 3: I have not been able to find a definition of "actual" conditions in the FARs or the AIM, but I believe that the definition of actual is somewhat more restrictive than IMC. Please confirm that the following is correct:

Is IMC is simply visibility's, clearances from clouds, and ceilings less than the minima for VMC (AIM - pilot controller/glossary) "Actual" requires that the pilot be flying the airplane solely by reference to instruments, which means he must be either completely in the soup (i.e. zero-zero) or in conditions which provide no horizon reference of any kind. Therefore, being in IMC conditions is not always adequate for logging actual.

ANSWER 3: Ref. §61.51(g); As previously answered above in Answer 1 above, there is no official FAA definition on "actual instrument time" or "simulated instrument time" in the FARs, FAA Orders, advisory circulars, FAA bulletins, etc. Part 61 merely refers to the instrument time in reference to aeronautical experience to be ". . . instrument flight time, in actual or simulated instrument conditions . . ." Otherwise the reference is merely instrument flight time, in actual or simulated instrument **conditions**.

Now the term "actual" in reference to instrument conditions that require operations to be performed solely by reference to the aircraft instruments are sometimes subjective. No question that "actual" instrument conditions exist with flight in clouds or other phenomena that restrict visibility to the extent that maintaining level flight or other desired flight attitude, can only be accomplished with reference to the aircraft instruments. This goes back to earlier statement in Answer 1 where I said the weather conditions establish whether the flight is in "actual instrument **conditions**." And that is dependent on the weather conditions where the aircraft is physically located and the pilot makes that determination as to whether the flight is in "actual instrument **conditions**" or he is performing instrument flight under "simulated instrument **conditions**."

Your realization that "IMC" and "VMC" and also, in fact, "IFR" and "VFR" are not necessarily related to "actual" conditions is accurate. These terms are used with respect to airspace operating requirements. Per §91.155, a flight may be in IMC (requiring IFR operations) with four (4) miles visibility in Class E airspace above 10,000'MSL (more than 1,200'AGL), but still be in VMC (allowing VFR operations) with only one (1) mile visibility in Class G below 10,000'MSL during day time, . That is why none of these terms were used in §61.51(g) to describe when we may or may not log instrument flight time. IMC and VMC are used in association when describing

airspace weather conditions. VFR or IFR are used to describe operating requirements [i.e., §91.173 requiring IFR flight plan for operating in controlled airspace under IFR, §691.169 information required for operating on an IFR flight plan; §91.155 basic VFR weather minimums, etc].

QUESTION 4: As far as logging an approach in actual, is there any requirement (i.e. must it be in actual conditions beyond the final approach fix)? Assume that the pilot was flying single-pilot IFR so he couldn't simply put on the hood if he broke out?

ANSWER 4: §61.51(g)(1) and §61.57(c)(1)(i); Again the only place where it defines logging "instrument flight time" means ". . . a person may log instrument time only for that flight time when the person operates the aircraft solely by reference to instruments . . . ." As for logging an "actual" approach, it would presume the approach to be to the conclusion of the approach which would mean the pilot go down to the decision height or to the minimum decent altitude, as appropriate. If what you're asking is whether it is okay to fly to the FAF and break it off and then log it as accomplishing an approach, the answer is NO.
{q&a-291}

QUESTION: Thank you for your letter dated April 20, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding the logging of pilot-in-command time. Specifically, whether a pilot needs to have the appropriate 14 CFR section 61.31 endorsements before he or she can properly log pilot-in-command time under 14 CFR section 61.51(e).

In your letter you state that you are "concerned with the answers given by John Lynch, AFS-840, through his Frequently Asked Questions 14 CFR, PARTS 61 & 141 website," regarding the 14 CFR section 61.31 endorsements and the logging of pilot-in-command time under 14 CFR section 61.51(e). In this website, Mr. Lynch was given the following scenario: a person holds a private pilot certificate with a single-engine land rating. This pilot is obtaining training in a single-engine land airplane that is also a complex or high performance airplane. The question asked was whether this person could log the time he or she manipulated the controls as pilot-in-command time. Mr. Lynch stated that this person could not log pilot-in-command time under 14 CFR section 61.51(e) in a single-engine land airplane that is also a complex or high performance airplane, without having the appropriate endorsements required under 14 CFR section 61.31. This answer is incorrect.

ANSWER: Ref. §61.51(e)(1)(i); Before discussing this issue, please note that Mr. Lynch's website is an informational website provided by the Flight Standards Service (AFS). It is not a legal site and the Office of the Chief Counsel does not review it. Accordingly, information provided on his website is not legally binding.

14 CFR section 61.51(e) governs the logging of pilot-in-command time. This section provides, in pertinent part, that a private pilot may log pilot-in-command time for that flight time during which that person is the sole manipulator of the controls of an ***aircraft for which the pilot is rated***. (Emphasis added)

The term "rated," as used under 14 CFR section 61.51(e), refers to the pilot holding the appropriate aircraft ratings (category, class, and type, if a type rating is required). These ratings are listed under 14 CFR section 61.5 and are placed on the pilot certificate.

Therefore, based on the scenario given to Mr. Lynch, a private pilot may log pilot-in-command time, in a complex or high performance airplane, for those portions of the flight when he or she is the sole manipulator of the controls because the aircraft being operated is single-engine land and the private pilot holds a single-engine land rating. Note, while the private pilot may log this time as pilot-in-command time in accordance with 14 CFR section 61.51(e), he or she may not act as the pilot in command unless he or she has the appropriate endorsement as required under 14 CFR section 61.31.

14 CFR section 61.31 requires a person to have an endorsement from an authorized instructor before he or she may act as pilot in command of certain aircraft (a complex airplane, a high performance airplane, a pressurized airplane capable of operating at high altitudes, or a tailwheel airplane). These endorsements are not required to log pilot-in-command time under 14 CFR section 61.51(e).

As you stated in your letter, there is a distinction between acting as pilot in command and logging pilot-in-command time. In order to act as pilot in command, the pilot who has final authority and responsibility for the operation and safety of the flight, a person must be properly rated in the aircraft and be properly rated and authorized to conduct the flight. In order to log pilot-in-command time, a person who is the sole manipulator of the controls only needs to be properly rated in the aircraft.

{q&a-288} [Replaces q&a-228]

QUESTION: I'm looking at your FAQs regarding logging instruction and endorsements and both I and a supervisor from Salt Lake City need further clarification of §61.187(a). A school operates a CFI course under Part 61, and they don't want to keep records (logbooks, whatever) of what the applicant was taught on each lesson.

§61.187(a) says that the applicant must receive AND LOG flight and ground training from an authorized instructor on the AREAS OF OPERATION LISTED IN THIS SECTION that apply to the flight instructor rating sought. It doesn't say that the CFI can make a one-time endorsement that the instruction has been done in lieu of the logging of flight and ground training.

The regulation is clear that a required logbook endorsement from an authorized instructor certifying that the person is proficient to pass a practical test on those areas of operation must be made.

If only an endorsement would suffice that the required training had been completed, why doesn't the regulation say so? Then only two endorsements would be required and logging of flight and ground time would not!

ANSWER: Ref. §61.51(a), (b), and (h)(2), §61.187(a), and §61.189(a); The answer is ". . . . training time must be logged in a logbook . . ." [i.e., §61.51(h)(2)]. Section 61.51(h)(2)

requires that ". . . training time must be logged in a logbook and §61.187(a) requires "The applicant's logbook must contain an endorsement . . ." Making a simple endorsement in a logbook does NOT relieve the applicant and the flight instructor from logging training time to comply §61.51(h)(2). I support this statement that the flight instructor must log all training time by the provisions contained in §61.51(a) and (b) and especially paragraph (h)(2). I believe §61.51(h)(2) makes it quite clear that:

"(2) The training time must be logged in a logbook and must:
(i) Be endorsed in a legible manner by the authorized instructor; and
(ii) Include a description of the training given, the length of the training lesson, and the instructor's
authorized signature, certificate number, and certificate expiration date."

An equally important rule is §61.189(a) and I believe that rule further establishes the requirement to "must receive and log flight and ground training . . ." [i.e., §61.187(a)].
{q&a-285}

QUESTION: I believe that questions Q&A 95 and 88 deal with a safety pilot logging PIC time. Our Regional Counsel says that if a private pilot logs flight time and uses it to meet the aeronautical certification requirements for an additional rating, that is compensation. As you might guess, there are a bunch of Private Pilots out here that are using that safety pilot PIC time to qualify for additional ratings.

If a Private Pilot acts as a safety pilot in accordance with §91.109(b)(1), and that pilot logs that time as PIC in accordance with §61.51(e)(iii), are they now in violation of §61.113(a) since they have received compensation (free flight time) for acting as pilot in command [i.e., §61.51(e)(iii)]?

ANSWER: Ref. §61.113(a) and §61.51(e)(iii); Yes, the Private Pilot who is serving as a safety pilot and is acting as the PIC may log the time as PIC time. And yes, that Private Pilot may use that PIC time for the furtherance of a pilot certificate and rating under Part 61. And no, that Private Pilot is NOT ". . . . carrying passengers or property for compensation or hire;" nor is that Private Pilot acting as a pilot in command ". . . for compensation or hire, ..." when he serves as a safety pilot. In accordance with §91.109(b)(1), it permits a person who holds a Private Pilot Certificate with a category and class rating appropriate to the aircraft being flown to serve as a safety pilot.

And this answer has been reviewed by the FAA's Washington HQ Chief Counsel Office (AGC-240), and they have agreed with this answer.
{q&a-273}

QUESTION 1: Ref. §61.51(e)(1)(i); In accordance with §61.51(e)(1)(i), can a rated and qualified pilot [i.e., who holds a Commercial Pilot Certificate with a helicopter rating] log that time to meet the aeronautical experience, recency of experience, and currency requirements of Part 61 in the Baltimore County Police Department's OH-58's which are surplus former military helicopters? Otherwise, is this time logable while these police officers are flying these Baltimore County Police Department OH-58's during the performance of their assigned police functions

and missions? Is this time logable for the purpose of meeting the requirements of §61.51(e)(1)(i)?

ANSWER 1: Ref. Public Law 103-411 and FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B; The answer is no, the time cannot be logged for the purpose of meeting the aeronautical experience, recency of experience, and currency requirements of Part 61. Again read my words carefully, it cannot be logged **for the purpose** of meeting the aeronautical experience, recency of experience, and currency requirements of Part 61. Now as long as the flight time is not being counted/logged for meeting the aeronautical experience, recency of experience, and currency requirements of Part 61, then a person may log flight time in these former military helicopters known as the OH-58. **BUT NOT FOR THE PURPOSE** of meeting the aeronautical experience, recency of experience, and currency requirements of Part 61 in their non-certificated OH-58s.

For the record: These Baltimore County Police Department OH-58's are not type certificated as an aircraft, nor do they hold any kind of airworthiness certificate, and nor do they hold an FAA civilian type designation as an aircraft.

The FAA's rationale on this issue is that pilots who fly these former military aircraft in real "public aircraft operations" are not even required to hold an FAA pilot certificate nor are they required to comply with the recency of experience requirements of Part 61. Therefore, the FAA does not find it in the public interest to permit pilot training for pilot certification purposes in these non-certificated aircraft. Now some police departments state that their employment requirements require all their pilots to hold Commercial Pilot Certificates with the appropriate aircraft category and class ratings and to also meet the recency of experience requirements of Part 61. If a local police department requires this of their pilots as an employment requirement, then that is the police's requirement, because the FAA does not have any such requirements for operating these former military aircraft for "public aircraft operations." Furthermore, if the FAA were to make an exception for the Baltimore County Police Department and their non-certificated OH-58s, then how would the FAA be expected to respond if another police department and some other government agency asks for permission for its pilots to meet Part 61 requirements in an ultralight vehicle, which is just another non-certificated aircraft. And then if the FAA permits the police departments to use non-certificated aircraft/vehicles for meeting Part 61 requirements, then why not allow private citizens who have contracts with a local government to also let their pilots log the flight time for meeting Part 61 requirements in these non-certificated aircraft/vehicles. Again, keep in mind these Baltimore County Police Department OH-58s are not certificated nor do not have any approved maintenance or airworthiness standards and nor are they required to do so when they're only being used for "public aircraft operations." If police departments want to use these non-certificated OH-58s for pilot training and certification, then its aircraft must comply with the applicable airworthiness and maintenance requirements of §91.203, Subpart E of Part 91, Parts 43 and 45, etc., etc., etc.

As per Public Law 103-411, the law is very specific and very limiting as to defining what is a "public aircraft operation." In effect, this law only permits training and flights in "public aircraft" for performance of the following governmental functions:

1. Flights in response to fire fighting;

2. Flights in response to search and rescue;
3. Flights in response to law enforcement activities; and
4. Flights in support of aeronautical research or biological or geological resource management.

As for example, Public Law 103-411 would say it's okay if the flight was for training SWAT team personnel in the Baltimore County Police Department's OH-58's for the purpose of training these personnel for a law enforcement activity. The flight would be considered an authorized governmental function and would be approved under Public Law 103-411. However, if a flight were for anything other than the flights described in 1 through 4 above, then the flight would be considered to be a "civil aircraft operation." And in accordance with §91.203(a)(1) for "civil aircraft operations" the aircraft would be required to have "An appropriate and current airworthiness certificate. . . ."

Now FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B. states, in its entirety, that:

> "*B. Logging Time.* Unless the vehicle is type certificated as an aircraft in a category listed in FAR §61.5(b)(1) or as an experimental aircraft, or otherwise holds an airworthiness certificate, flight time acquired in such a vehicle may not be used to meet requirements of FAR Part 61 for a certificate or rating or to meet the recency of experience requirements."

Which means, in effect, in order for the flight time to be logable, the flight time must have been acquired in an aircraft that is identified as an aircraft category as listed in §61.5(b)(1), and is:
(1) An aircraft of U.S. registry that has a civilian type designation and has a current standard, limited, or primary airworthiness certificate;
(2) An aircraft of U.S. registry that has a civilian type designation and has a current airworthiness certificate other than standard, limited, or primary;
(3) An aircraft of foreign registry that has a civilian type designation and is properly certificated by the country of registry; or
(4) A military aircraft under the direct operational control of an armed force of the United States.

The Baltimore County Police Department's OH-58's are neither type certificated as an aircraft, nor do the aircraft hold any kind of airworthiness certificate, nor do their OH-58s hold an FAA civilian type designation as an aircraft. So the answer is NO, the time CANNOT be logged for meeting the requirements for a certificate or rating or to meet the recency of experience requirements set forth in Part 61.
{q&a-254}

QUESTION: Ref. §61.51(e)(2); The scenario we have here, is a Part 135 certificate holder who is conducting operations in a multiengine airplane under IFR. The operator has approval to conduct operations without an SIC using an approved autopilot under the provisions of §135.105. For this flight, the operator has assigned a fully qualified pilot, who has a current Part 135 competency check to act as an SIC in an aircraft that does not require two pilots under the aircraft's type certification. Both pilots are PIC rated in the aircraft. Otherwise, both pilots

hold either an ATP or Commercial Pilot Certificate with an Airplane Multiengine Land rating and Instrument-Airplane rating. Both pilots are current in accordance with Part 61 for PIC privileges and also for instrument flight operations. Although, §135.101 requires an SIC for IFR operations, the autopilot approval is an exception to that requirement.

ANSWER: §61.51(e)(1)(i) and (2); In the scenario you've asked, the answer is NO. Both pilots may NOT log PIC time simultaneously, unless the operation is permitted by §61.51(e)(2).

In the scenario you've described, per §61.51(e)(1)(i), only one pilot can log PIC time when that pilot
". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated;"

Now if the Part 135 operation requires the PIC to hold an ATP, then in accordance with §61.51(e)(2), "An airline transport pilot may log as pilot-in-command time all of the flight time while acting as pilot-in-command of an operation requiring an airline transport pilot certificate." So if this is the situation, then it would be permissible for the Part 1 PIC to log PIC time and the person who ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . ." to also log PIC time. But from what I can read from your question, the Part 135 operation is not the kind of operation that requires the PIC to hold an ATP.

From reading your question, do not confuse "with being the legal Part 1 PIC" vs. "the logging of PIC time" under §61.51(e). In your scenario, the assigned PIC time would maintain his legal PIC status, as per §1.1, throughout the flight. However, for logging PIC time, as per §61.51(e)(1)(i), a pilot may log PIC time when that pilot ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated."

Per §1.1:

> "Pilot in command means the pilot responsible for the operation and safety of an aircraft during flight time."

And per §61.51(e)(1)(i):

"(e) Logging pilot-in-command flight time.
(1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person--
(i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated;"
{q&a-243}

QUESTION: In §61.51(h)(2)(ii), there is a phrase that states "Include a description of the training given . . ." How descriptive does a flight instructor have to be in describing the content of a training session to meet the provisions of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."]?

ANSWER: Ref. §61.51(h)(2)(ii). Many schools utilize a training record folder that lists the lesson numbers vertically on the folder and the tasks are listed horizontally. And these

schools have a training course outline that describes the content of each lesson in detail. Therefore, as long as the applicant has those records available for review, it is permissible for the instructor to merely write in the applicant's logbook, as for example, "Lesson No. 36" for meeting the requirements of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."]. An examiner or ASI who wishes to see what was covered in Lesson No. 36 would have those records available on site to review what was covered during Lesson No. 36 or Lesson No. 10, etc. The essence of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."] is not to require flight instructors to have to write volumes of Encyclopedias for describing a lesson!

However, if an applicant's school does not maintain or have such records, then yes the flight instructors will have to be more descriptive in describing the content of a lesson in an applicant's logbook. But even in this kind of situation, it is permissible and would be in accordance with §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."] for a flight instructor to write a description in the applicant's logbook, as for example, that would state "Norm T/O & Ldgs, X-W T/O & Ldgs, Perf. Maneuvers-St. Turns, Chandelles, L8" or the flight instructor may merely contain a description "Comm-ASEL - AOA III, Tasks A and B; AOA VI. 8-Pylons" {q&a-236}

QUESTION: Ref. §61.51(e)(1) and §61.73(d)(1): Situation is, we have a U.S. Naval Flight Officer (non-pilot type) who holds a Private Pilot Certificate, with an Airplane Single and Multiengine Land rating, Instrument Airplane rating. However, this Naval Flight Officer (non-pilot type) has never had an official U.S. military pilot checkout and instrument proficiency check in an S-3B Viking (or in any military aircraft) as a pilot in command during the 12 calendar months before the month of application [i.e., §61.73(d)(1)]. This person is a Naval Flight Officer (non-pilot) and does not hold any military pilot ratings of any kind. Nor has this person ever completed a U.S. military flight school. His position as a Naval Flight Officer (non-pilot type) is similar to a Weapons Officer in the Air Force.

Is it permissible for this person to log that "hands-on the controls time" in a military S-3B Viking airplane as PIC time?

ANSWER: Ref. §61.51(e)(1)(i): The answer is yes, it is permissible for this U.S. Naval Flight Officer (non-pilot type) to log that "hands-on-the-controls" time in an S-3B Viking military airplane as PIC time.

The rationale behind this answer is because to pilot the S-3B Viking military airplane only requires the pilot to hold an airplane multiengine land rating. And this U.S. Naval Flight Officer (non-pilot type) does hold an airplane multiengine land rating on his FAA pilot certificate. There is no civilian equivalent to this military S-3B airplane and thus the qualifications to pilot this aircraft only requires the pilot to hold an airplane multiengine land rating on their FAA pilot certificate. No type rating is required to pilot the S-3B military airplane, nor is there a civilian equivalent for the S-3B.

The reason I made the statement previously that "No type rating is required to pilot the S-3B . . ." is because if there had been a civilian equivalent to the S-3B military airplane [i.e., §61.5(b)(5)] then it would've required the pilot to hold that type rating. If a type rating is required, then in

order to log the "hands-on-the-controls" time as PIC time in an S-3B Viking military airplane would've required the pilot to hold that type rating. Otherwise, an aircraft that requires a pilot to hold a type rating requires the pilot to be qualified in that ". . . aircraft for which the pilot is rated . . ." [i.e., §61.51(e)(1)(i)] to be able to log the time as PIC time. However, this is not the case in this situation, so this U.S. Naval Flight Officer (non-pilot type) can log the "hands-on-the-controls" time in an S-3B Viking military airplane as PIC time because he holds an airplane multiengine land rating on his FAA pilot certificate. Furthermore, he is able to show the time was when he was the ". . . sole manipulator of the controls . . ." and he holds an airplane multiengine land rating on his FAA pilot certificate which makes him qualified in ". . . an aircraft for which the pilot is rated . . ." [i.e., §61.51(e)(1)(i)]. So the answer is yes, this U.S. Naval Flight Officer (non-pilot type) can log the "hands-on-the-controls" time in an S-3B Viking military airplane as PIC time under §61.51(e)(1)(i).

The rule, §61.73(d)(1), is not relevant here, because this U.S. Naval Flight Officer is not a military pilot.
{q&a-221}

QUESTION: Where, how, or in what manner is ground training to be logged? I am sure there are others with the same question. It seems the answer is contained in FAR 61.51. where it states that BOTH FLIGHT AND GROUND TRAINING MUST BE ENTERED IN A LOGBOOK. However, commercially produced pilot log books do not contain a column for ground training. Also, I have a copy of an e-mail message states, in reference to ground training, "It can be logged on a pre-printed training record etc. etc." Guidance please.

ANSWER: I agree per §61.51(h)(2), that it says training time must be logged in a logbook. But also, read §61.51(a)(1) says "Each person must document and record the following time in a manner acceptable to the Administrator . . ."

Historically, the FAA has accepted training records as a proper place to log training time. I guess it comes down to what is a "logbook." Can a logbook be a "training record tabulation sheet?" Yes it can be. Or is a logbook only a separate book that has rows of columns for recording times? Well I think we all would agree that is what we all envision when the term "logbook" is mentioned. However, a "training record tabulation sheet" is a ". . . document and record . . . acceptable to the Administrator . . ."

We do not have a definition of a "logbook." A logbook can be a sheet or a number of sheets of computer generated log sheets like what airline pilots have issued to them by their companies. Or a logbook can be a number of DA Form 759-1's from the United States Army. Or a logbook can be a "training record tabulation sheet" like in the case with Part 141 approved school training records.

Let's not get too hung up on the words, because I believe it is more important the time and endorsements are properly conducted and documented. As long as we can decipher the record to assure that the training, recency of experience, aeronautical experience times AND CONTENT, etc. have been met then I'm not that concerned with what we accept as a logbook.
{q&a-186}

QUESTION 4: What constitutes a flight in Lighter-Than-Air, Balloon? We have some of the sharpie pilots saying that it is a "takeoff and landing." Therefore, they intend to log several flights with only one set-up and inflation.

ANSWER 4: Per §1.1, the definition of a "flight" in a balloon is no different than a "flight" in an airplane, helicopter, glider, etc. In accordance with the "flight" definition in §1.1, a balloon pilot would not need to de-inflate and break the balloon down and then re-setup and re-inflate the balloon to credit multiple "flights." Just like it says in §1.1:

> ". . . from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. . ."

{q&a-179}

QUESTION: I have been getting numerous questions regarding the following scenario since Aug 4. Can you set me on the right track. Here is the scenario: An Applicant holds Private Pilot Airplane Singe Engine Land and Instrument Rating.. He intends on obtaining a Commercial Pilot Certificate Multi Engine Land.
61.129(b)(4) states he must have 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor on the areas of operation listed in 61.127(b)(2) of this part.. So, he must get pilot in command time but he isn't rated in the multiengine airplane, and it isn't instruction but an instructor is there. What and how do these guys log this situation?

ANSWER: The preamble of the final rule correction document the was published in the Federal Register (78 FR 20284; April 23, 1998) concerning the revision to §61.129(b)(4) states as follows:

"Section 61.129 Aeronautical experience. In Notice No. 95-11, proposed §61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. During the rulemaking process, the FAA determined that the accomplishment of solo flight time in a multiengine airplane may be impracticable because of liability and insurance concerns. Therefore, in the final rule, the FAA replaced the requirement that an applicant accomplish solo flight time in a multiengine airplane with the requirement that the flight time required under §61.129(b)(4) be acquired while performing the duties of PIC in a multiengine airplane with an authorized instructor. However, in revising this requirement, the FAA did not consider the applicant who holds a private pilot certificate with a multiengine rating and, therefore, may already have solo flight time in a multiengine aircraft or may be able to accomplish solo flight time without the cost of acquiring the required flight time with an authorized instructor. Therefore, the FAA has revised §61.129(b)(4) to require an applicant to accomplish 10 hours of solo flight in a multiengine airplane or 10 hours of flight time performing the duties of PIC in a multiengine airplane with an authorized instructor.

In addition, the FAA has revised §61.129(b)(4) to permit an applicant for a commercial pilot certificate with a multiengine rating to credit the 10 hours of flight time performing the duties of PIC in a multiengine airplane required by that paragraph toward the 100 hours of PIC flight time required under §61.129(b)(2). This revision is consistent with the provisions of §61.129(b) as proposed in Notice No. 95-11. As previously noted, proposed §61.129(b)(4) would have required

an applicant to accomplish solo flight time in a multiengine airplane. The solo flight time would have constituted PIC flight time; therefore, the applicant would have been able to credit that flight time toward the requirements of §61.129(b)(2). However, under §61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor.

The FAA notes that if an applicant meets the requirements of §61.129(b)(4) by logging 10 hours of solo flight time in a multiengine airplane (as permitted in this final rule), that time would constitute PIC flight time. Therefore, the applicant may count that flight time toward the requirements of §61.129(b)(2) and log it as PIC time under §61.51(e)".
{q&a-3}

QUESTION: If a commercial pilot with single-engine land rating was to add a multiengine class rating, he or she would do so under FAR 61.63(c). FAR 61.31(d) prohibits a person from "serving" as the PIC of an aircraft unless that person...

1. Holds the appropriate category, class, and type rating ...for the aircraft to be flown, or

2. [Is] receiving training for the purposes of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor, or

3. Have received training required by this part that is appropriate to the aircraft category, class, and type rating...for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

The implication is that a commercial pilot with a single-engine land rating, meeting the requirements of FAR 61.31(d)(2) could "serve" as PIC of a mulitengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under FAR 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of FAR 61.31(d), could you log PIC time in a multiengine airplane under FAR 61.51(e)(4) while flying solo?

If you can log PIC while flying under the supervision of a authorized instructor, is there anything that would prohibit going back in your logbook and recording dual instruction in a multiengine airplane as PIC, similar to what you said could be done in the case of student pilots previously logging solo time?

ANSWER: Reference §61.51(e): Let's not mix "to serve as pilot in command" vs. logging PIC time. §61.51(e) is the rule that address LOGGING PIC time.

Solo flight time in a multiengine airplane may be logged as PIC per FAR 61.51(e)(1)(ii) as amended 5/26/98 by amendment 61/104 as long as the appropriate training and endorsements required by FAR 61.31(d)(3) are met.

For the time while serving as PIC of a mulitengine airplane while under the supervision of a flight instructor:
FROM THE PREAMBLE OF THE FINAL RULE 61-104: "Reference §61.129(b)(4) as adopted in the final rule 61-104, 5/26/98, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor."
{q&a-110}

QUESTION: Question regarding 61.51(e)(3) and 61.23(b)(5)-- Can a CFI who is exercising the privileges of a flight instructor certificate under 61.23(b)(5) log PIC even though he or she does not have a valid medical certificate.

ANSWER: Ref. §61.51(e)(3): Yes, the CFI may log it as PIC time. As I have stated in the past the rules are different between "logging PIC time" under §1.1 vs "acting as the PIC" under §61.51(e)(3). The CFI cannot "act as the PIC" without a medical certificate, but he or she can certainly "log it as PIC time."
{ q&a-137}

QUESTION 2: Situation is an applicant who holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. To show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i) how can the applicant obtain and log that PIC time in a helicopter?

ANSWER 2: Ref. per §61.51(e) or §61.31(d); The PIC time would have to be obtained:

a. Already hold a helicopter rating at the private pilot level. Then PIC time can be logged while flying solo and/or while manipulating the control as per §61.51(e)(1)(i) when the flight instructor is on board; or
b. Be the sole occupant of the aircraft and have a current solo endorsement in accordance with §61.31(d)(3).

QUESTION 3: I am private pilot with an airplane single engine land rating. I am seeking to add a helicopter rating. Can I log the time as PIC while manipulating the controls with my instructor on board as in §61.31(d)(2)?

ANSWER 3: No. You cannot log the time as PIC while his instructor is on board since you are not rated in the aircraft, see §6151(e)(1)(i). There is nothing wrong with the way §61.31(d)(2) has been written. To "**serve"** as the pilot in command while receiving training does

not authorize logging PIC. There has always been a difference between logging PIC time vs. acting/serving as PIC.

{q&a-146}

QUESTION 1: May a current or former military pilot credit PIC or SIC time that meets FAR requirements EXCEPT for the requirement to be a recreational, private or commercially rated pilot? For example: a military pilot flies for 10 years then obtains a commercial rating. Can he credit flight time accomplished prior to receiving his commercial rating towards the PIC/SIC requirements for an ATP rating?

ANSWER 1: Yes, a former or current military pilot may use any flight time that can be substantiated by personal logbook or military records and meets FAR requirements. This includes flight time accomplished prior to receiving the commercial rating.

QUESTION 2: Can I count military First Pilot time (sole manipulator of the controls) logged while undergoing dual flight instruction for (and graduating from) initial military flight training as PIC? (It seems the FAA accepts this flight time as credible PIC because a Commercial rating can be issued based on graduating from this course and passing the required written exam.)

ANSWER 2: It depends. Are you PIC qualified in that aircraft? If yes, then yes.

Reference §61.51(e)(1)(i): ". . . Is the sole manipulator of the controls **of an aircraft for which the pilot is rated**; or

QUESTION 3: After completing military flight training and obtaining a Commercial ASEL and RH rating can I count First Pilot flight time logged in a C-130 (AMEL) as PIC? (I have less than 10 hours PIC in the aircraft and never completed a Natops check in the aircraft, but flew on a reciprocity basis while assigned to a composite fixed/rotary wing squadron. The military regulations under which the aircraft was operated required more than one pilot.)

ANSWER 3: **NO**; You're not PIC qualified in a C-130.

Reference §61.51(e)(1)(i): As per subparagraph (i) ". . . Is the sole manipulator of the controls **OF AN AIRCRAFT FOR WHICH THE PILOT IS RATED**; or

QUESTION 4: Can I count military Second Pilot time as SIC time under the same circumstances?

ANSWER 4: It depends. But we would have to say no based on the information you have provided, it appears you haven't completed a military checkout to serve as the SIC in the C-130.

Reference §61.51(f), it states:

(f) Logging second-in-command time. A person may log second-in-command flight time only for that flight time during which that person:

(1) **Is qualified in accordance with the second-in-command requirements of § 61.55 of this part**, and occupies a crewmember station in an aircraft that requires more than one pilot by the aircraft's type certificate; or

(2) **Holds the appropriate category, class**, and instrument rating (if an instrument rating is required for the flight) for the aircraft being flown, and more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted.

QUESTION 5: As a rated commercial ASEL pilot undergoing the flight training required to add an AMEL rating can I log PIC time when I am the sole manipulator of the controls during the dual instruction required to obtain the CFI endorsement required to be eligible for the practical exam? (Two pilots required under 61.123 (c))

ANSWER 5: **T**he answer is NO since §61.51(e)(i) applies which states ". . . Is the sole manipulator of the controls **of an aircraft for which the pilot is rated**; "
Your question indicates that you are not rated in a multiengine airplane and therefore, only SOLO flight time in a multiengine airplane may be logged as PIC per FAR 61.51(e)(1)(ii) as amended 5/26/98 by amendment 61/104 as long as the appropriate training and endorsements required by FAR 61.31(d)(3) are met.

For the time while serving as PIC of a mulitengine airplane while under the supervision of a flight instructor:
FROM THE PREAMBLE OF THE FINAL RULE 61-104: "Reference §61.129(b)(4) as adopted in the final rule 61-104, 5/26/98, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor."

QUESTION 6: Can the flight time as sole manipulator of the controls during the AMEL practical exam be counted as PIC time? (Two pilots required.)

ANSWER 6: Reference §61.47(b): YES, provided you are the pilot-in-command and nobody else is claiming to be the PIC or has agreed to be PIC during the practical test as allowed under §61.47.
{q&a-122}

QUESTION: If you are acting as second-in command of an aircraft that requires two pilots\, and are the sole manipulator of the contols\, can you log PIC for that portion of the flight?

ANSWER: Reference §61.51(e)(1)(i). The answer is **yes** the person may log it as PIC time, provided that person "Is the sole manipulator of the controls **of an aircraft for which the pilot is rated**;"
{q&a-120}

QUESTION: **W**hat about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved 142 center and a part 61 CFII that had an approved PC

and was giving his friend instruction at home in the kitchen. Under 61.1(b)(12)(iii) can they both log pilot time?

ANSWER: Reference §61.1(b)(12)(iii), **YES,** that time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. Note, "pilot time" and "flight time" are **NOT** synonymous.
{q&a-108}

QUESTION: In the December 1997 edition of "AOPA PILOT," specifically page 22, "AOPA ACCESS," the question was asked: "If I am flying as a safety pilot, can I log that time as pilot in command?" AOPA's answer is: "Yes. There had been talk during the rewrite process of changing this to specify only second-in-command time, but the final rule left logable safety pilot PIC time intact. Requirements remain being rated in category and class. You are allowed to log safety pilot PIC time because your eyes are required for aircraft safety and therefore you become a required crew member. The pilot under the hood can also log PIC time as 'sole' manipulator of the controls."

§61.51(f)(2) seems pretty clear about safety pilots logging SIC rather than PIC time. What does AOPA know that we don't???

ANSWER: Yes, the time can be logged as PIC. Reference §61.51(e)(1)(ii): The safety pilot, who meets the qualifications set forth in §91.109(b) may log it as PIC time because §61.51(e)(1)(ii) states, in pertinent part, ". . . the regulations under which the flight is conducted. Note, we say "may" but he "may" prefer to log it as SIC time. Your understanding is probably based on the preamble discussion on page 16250, middle column, of the Federal Register (62 FR 16250; April 4, 1997). We would highly recommend that you also read the preamble discussion on page 16250, first column, of the Federal Register (62 FR 16250; April 4, 1997).

Reference §61.51(e)(1)(i): The other pilot manipulating the controls, and who meets the qualifications set forth in §91.109(a)(2) and (b)(3)(ii) may log it as PIC time because §61.51(e)(1)(i) states, in pertinent part, "Is the sole manipulator of the controls of an aircraft for which the pilot is rated;"
{q&a-95}

QUESTION: Is it true that a qualified pilot can log pilot-in-command time for all flight time during which he acts as a required safety pilot per 14 CFR §91.109?

ANSWER: **Yes,** the safety pilot can log the time as PIC time in accordance with §61.51(e)(ii) which states ". . . regulations under which the flight is conducted."
{q&a-88}

QUESTION The question comes from the helicopter community applicants for the private pilot rating. Does the above statement now permit a person who gets only a solo flight endorsement (but doesn't exercise this due to insurance or other financial constraints) the ability to log time as PIC that time he spends with his Instructor (dual received time) and is the manipulator of the controls? And if so, is this time attributable to the ten hours solo requirement (61.109(a)(b)&(e)?

I guess the bottom dollar question is.....can a student pilot qualify all of the solo pilot requirements for the aeronautical experience requirements of 61.109 flying with his instructor seated next to him?

ANSWER No, the student cannot log PIC time with his instructor on board. §61.51(e)(4) states:

(4) A student pilot may log pilot-in-command time when the student pilot —
(i) Is the sole occupant of the aircraft;
(ii) Has a current solo flight endorsement as required under § 61.87 of this part; and
(iii) Is undergoing training for a pilot certificate or rating, is acting as pilot in command of an airship requiring more than one flight crewmember, or is logging pilot-in- command flight time to obtain the pilot-in-command flight experience requirements for a pilot certificate or aircraft rating.
{q&a-23}

QUESTION 5: What is the status of student solo time logged before 8/4/97? Now that students can log PIC (whereas they couldn't before), can they count the solo time they logged as PIC before 8/4/97 toward the PIC time requirements for higher ratings applied for after 8/4/97? In other words, is the experience they gained before 8/4/97 as valuable as that gained after 8/4/97?

ANSWER 5: [§61,51(e)(4)] The new rule applies. Solo time can be logged as PIC time.
{q&a-8}

QUESTION 1: Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

ANSWER 1: Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time. In fact, I have already gone into my logbook where I had logged solo time in 1968 and added the time into the PIC column of my logbook. It can be logged as both solo time and PIC time.
{q&a-74}

QUESTION We have a local operator that makes his living giving flight instruction to foreign and military pilots. He submits the following, which I include verbatim:

[11.] "I...have a somewhat unique inquiry from an individual who holds a commercial pilot certificate issued by the former Yugoslav Republic of Macedonia. He received his training at the Yugoslav Airlines Academy, and he never received a private pilot certificate. The only airman certificates he ever held were a student pilot certificate and, upon completion of his training, [a] commercial with instrument rating. This individual would like to obtain an unrestricted FAA commercial certificate. Under the 'old' FAR 61 he clearly would not meet the 100-hour PIC requirement, since he never held a private pilot certificate. Under the 'new' FAR 61 his solo hours (he has 103 hours of solo time) would meet that requirement. Depending upon the response to [Question 5, above], what do I tell him?'

ANSWER 11: As stated in Q5 above, the new Part 61 applies. [§61,51(e)(4)] The new rule applies. Solo time can be logged as PIC time.
{q&a-8}

QUESTION: If two multiengine pilots, neither of which have an ATP or an MEI, flew together on a 3.0 hour one way trip, and pilot #1 flew the first half of the trip and pilot #2 flew the second half, is it legal for both pilots to log 3.0 hours of total ME time and each log 1.5 hours of PIC time?

ANSWER: No, but each may log 1.5 hours of PIC time for that time that pilot was the sole manipulator of the controls. §61.51(e)(1) is the governing rule that applies to this situation and it states:

(e) Logging pilot-in-command flight time.

(1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person is —

(i) The sole manipulator of the controls of an aircraft for which the pilot is rated; or

(ii) Except for a recreational pilot, when acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted.

Furthermore, even if one or both had an ATP certificate, it still wouldn't make any difference to my answer because if one or both had an ATP certificate with multiengine airplane rating, §61.51(e))2) states:

"(2) An airline transport pilot may log as pilot-in-command time all of the flight time while **acting as pilot-in-command of an operation requiring an airline transport pilot certificate**."
{q&a-31}

QUESTION: Under new Part 61, to add an additional aircraft category rating we need to meet the requirements of FAR 61.63. That regulation requires that we possess "...the aeronautical experience...that applies to the pilot certificate for the aircraft category..." Using the example of a Commercial Rotorcraft pilot adding an airplane category rating, the applicant would have to meet the requirements of FAR 61.129(a). Among those requirements is 50 hours of PIC time [61.129(a)(2)(i)].

The Question: How does a person with a commercial rotorcraft log PIC time in an airplane? FAR 61.51 (e)(1)(i) only allows you to log PIC time if you are the "...sole manipulator of the controls of an aircraft for which [you are] rated..." Paragraph (4) allows a student pilot to log PIC, but in this example we are dealing with a rated pilot, not a student pilot. I guess you could claim that person is a student, but it's not clear from the regulation that's what you expect.

ANSWER: You have raised an issue that is going in our next correction document that is scheduled for publication in December.

On pages 16249 (bottom of 3rd column) and 16250 (top of 1st column) in the April 4, 1997 version of the Federal Register, the FAA stated, in pertinent part, "These pilot may properly log pilot-in-command time: . . . (2) when the pilot is the sole occupant of the aircraft; or . . ."

Unfortunately, we failed to incorporate that statement in §61.51(e). Therefore, in the interim [until we get that statement in §61.51(e)] Permit applicants to log PIC time ". . . when the pilot is the sole occupant of the aircraft...." because those instructions are in the preamble of the final rule document. Yes, a person who is the sole occupant of the aircraft may log the time as PIC time, and yes that includes the PIC time in §61.129(a)(2)(i).
{q&a-57}

QUESTION: A CFII recently asked if the solo cross country time logged while an individual was a student pilot can be counted toward the 50 hour requirement for the instrument rating. The recent change to Part 61.65 no longer addresses student pilot time.

ANSWER: Review §61.51(e)(4)(i). Yes, a student pilot may log PIC time for that time he or she is solo. And yes, even that solo flight time performed prior to August 4, 1997 can now be credited as PIC time. For example, ten years ago a student pilot logged solo flight time for a flight as the sole occupant. On August 4, 1997, that same person may go back into his or her logbook and credit the time as PIC time also.
{q&a-26}

And even though you didn't ask this question, we are providing this answer anyway. My most frequently asked question is now that student pilots may log PIC time under the new §61.51(e)(4), can former student pilots who are now rated pilots go back and update their logbooks by converting the solo time they earned while student pilots to PIC time. The answer is yes.
{q&a-62}

QUESTION 8: What is the status of instrument flight time logged in a simulator i/a/w 61.51(g)(4) when calculating total flight time for other purposes? Is it really "flight time" (ref. FAR 1), or something distinctly different?

ANSWER 8: [§61.51(g)(4) It may be logged as instrument training. See §61.1(b)(10) which states "instrument training means that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions."
{q&a-8}

QUESTION 2: We have an example of logging PIC in our presentation that you and I previously discussed on the phone a week ago. We've been challenged on our interpretation and I want to reconfirm it with you. The example is:

Two private pilots... Pilot A is manipulating the controls but has not made 3 takeoffs and landing within the 90 days.

Pilot B is the PIC for the purposes of Part 1.

Question: Which pilot logs PIC?

ANSWER 2: Pilot A may log PIC time in accordance with 61.51(e)(1)(i). Pilot B would have to agree to be the PIC in accordance with Part 1 because Pilot A is not current. However, Pilot B may not log the time as PIC time because 61.51 doesn't provide for it.
{q&a-10}

61.53

QUESTION 1: Does the requirement, ". . . to certify that he has no known medical deficiency. . ." in the box W of the FAA Form 8710-1 application still exist for applicants of balloon or glider ratings?

ANSWER 1: Ref. §§61.23; 61.53; No, the requirement no longer exists. On the new application form now being developed, this block will be deleted. In the interim, the rule applies. {q&a-136}

61.55

QUESTION 2: My second question is virtually the same as the first except that it applies to SIC qualifications. The SIC currency requirements of §61.55(b) "may be accomplished in a flight simulator that is used in accordance with a course conducted by a training center certificated under Part 142" per 61.55(g).

Does the simulator have to be operating under a Part 142 approved course, so that it is sure to be a good device for the pilot, or does the pilot have to go through some sort of SIC 142 approved course to meet the 61.55(b) requirements? It is clear, again, that the rule allows a pilot to use an aircraft to meet the SIC requirements, without any prior training. Can a pilot use a simulator in the same way? I'm not sure what the intent was, when 61.55 was changed to include reference to 142.

ANSWER 2: Ref. §61.55(g); As per §61.55(g), ". . . may be accomplished in a flight simulator that is used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter. . ." Which means BOTH the §61.55 SIC check and the flight simulator must be under a part 142 approved training program. So the answer is no, a SIC cannot go out and free lance in renting a flight simulator and do a §61.55 SIC check. It has to be accomplished under and in accordance with a part 142 approved training program. {q&a-321}

QUESTION: There does not appear to be a requirement for an instructor endorsement to verify the SIC training in §61.55. However, §61.55(d)(3) refers to "flight training required by this section." In this situation, the intended preparation of a SIC for a Citation is not for Part 121, 125 or 135 operations.

QUESTION 1: Is a Part 61 certificated flight instructor with the appropriate type rating required to conduct the flight training? (Definition in §61.1 would appear to indicate yes.)

ANSWER 1: §61.55; No, the SIC requirements of §61.55(b) does not necessarily need to be given with a CFI on board. It may be the preferred choice, but it certainly isn't a regulatory requirement. Even in the old §61.55 didn't require it to be given by a CFI. In no place in §61.55(b) does it state that the SIC qualification requirements be met with an authorized

instructor on board. Now that I think about it, I wish I had changed the rule to read that way, but I didn't. This requirement can be met with a qualified PIC [e.g., §61.31(a)] for that type of airplane. Procedurally, the PIC would sign the applicant's logbook or training record as a basis for proving verification that the SIC applicant has met the SIC requirements of §61.55(b). The verification can be accomplished by simply logging these SIC ground and flight requirements of §61.55(b) and then the PIC signs the SIC applicant's logbook/training record.

QUESTION 2: Is any documentation required to document the SIC qualification time?

ANSWER 2: Ref. §61.51(a)(1); Yes, the SIC ground and flight qualification requirements of §61.55(b) must be logged. Per §61.51(a), it states, in pertinent part, "Each person must document and record the following time . . . aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part." And §61.55 (i.e., SIC qualifications and requirements) is ". . . of this part." And the SIC ground and flight qualification requirements of §61.55(b) is ". . . aeronautical experience used to meet the requirements for a certificate, rating . . . of this part." Yes, the SIC ground and flight qualification requirements of §61.55(b) must be logged.
{q&a-225}

QUESTION 1: Situation is the CE-525 is certificated under Part 23 and as such can be flown single pilot by those that have CE-525S type ratings if certain equipment on the airplane works. Should the pilot only have a CE-525 type rating OR certain equipment is inoperative where a copilot must be used, must the copilot meet §61.55 and secondly must the PIC be required to have accomplished a §61.58 check?

ANSWER 1a: Ref. §91.531(a)(2) and §61.55(a): The answer is YES, the copilot would have to meet the SIC qualification requirements. Although, I am quite aware that the verbiage in §91.531(a)(2) states, in pertinent part,

> ". . . A turbojet-powered multiengine airplane for which two pilots are required under the type certification requirements for that airplane. . ."

Now the question is whether we could get an NTSB Law Judge to rationalize the phrase "required under the type certification requirements for that airplane" means the same as saying "required under the operating certification requirements for that airplane." WHO KNOWS! Your guess is as good as mine.

But until we're shot down by an NTSB Law Judge, the FAA's position on these rules [i.e., §91.531(a)(2) and §61.55(a)] require the SIC to be qualified in accordance with all requirements of §61.55.
{q&a-211}

QUESTION: A reading, please. 61.55(a)(1) says 'current' private pilot cert. What exactly does this mean? For instance, we have a pilot who has a current SIC check to fly right seat in a LRJET, but who doesn't have a current BFR, and who never gets one. Would the SIC check count for the 'current' in the reg?

ANSWER: Reference §61.55(a)(1); It states "At least a current private pilot certificate . . ."

The word "current" means the person meets the recency of experience requirements of Part 61 (i.e., BFR, 3 T/O's and landing, and instrument, if appropriate) and the person's medical certificate has not expired.

In the near future, we will be issuing an update to Part 61, because we have gone through all of Part 61 and placed the words "valid," "current," and "valid and current" where appropriate. In that upcoming NPRM, we will define what the words "valid," "current," and "valid and current" means.

The word "current" will be defined as having met all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired.

The word "valid" will be defined as the person's pilot certificate has not been surrendered, suspended, revoked, or expired.

The word "current and valid" will be defined as:

1. The person meets all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired; and.

2. The person's pilot certificate has not been surrendered, suspended, revoked, or expired. {q&a-92}

61.56

QUESTION: Can you clarify § 61.58 PIC check and using that check to satisfy the 61.56 flight review requirement. Does a § 61.58 PIC check satisfy the §61.56 flight review?
ANSWER: Ref. §61.56(d); Yes, according to § 61.56 (d), a person who has passed a § 61.58 PIC check within the period specified in paragraph (c) [i.e., meaning within the 24th calendar months before the month in which that pilot acts as pilot in command] ". . .need not accomplish the flight review required by this section." So a person who holds a current § 61.58 PIC check need not accomplish the flight review required by § 61.56(a).
{q&a-407}

QUESTION: I have a question as it relates to biannual flight reviews. Does the receipt of a LOA (Letter of Authorization) satisfy the biannual flight review requirement? I believe that if a LOA was obtained with a flight check from the issuing check airman, then the BFR requirements are satisfied. However, if the LOA was obtained from a FSDO office based on a recommendation, then the BFR would not be satisfied. Is this correct? I appreciate your reply on my query. My CFI peers have had long discussions regarding this item.

ANSWER: Ref. § 61.56(a) and (d); If the flight check for the LOA was ". . . a pilot proficiency check conducted by an examiner, an approved pilot check airman, or a U.S. Armed

Force, for a pilot certificate, rating, or operating privilege . . ." then the flight review requirement of §61.56 is satisfied. However, if this is not the case, then that LOA flight check would not qualify. Normally, you find that flight checks for LOA are not conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force.

As for the second portion of your question, you indicated the FSDO merely issued the LOA based on a recommendation. And I am assuming by reading the essence of your question, the flight check for the LOA was not conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force, so in this case the LOA flight check would meet the requirements of § 61.56(a) unless the person who conducted the LOA flight check was a CFI and even then, the CFI would have to have provided ". . . 1 hour of flight training and 1 hour of ground training . . ." and then make the endorsement of § 61.56(c).

It is a good idea to have an examiner or inspector make some reference to the flight review of § 61.56(a) when making any endorsement for other purposes (like LOA issuance) in your log book following a proficiency evaluation, etc. This is not required in 61.56(d), but helps resolve later questions.
{q&a-379}

QUESTION: The question has arisen with respect to a foreign pilot who holds a Restricted US Private Pilot Certificate, issued on the bases of the ICAO member country. Specifically, is that person required to meet the Flight Review requirements of FAR Part 61.56 (c)?

Review of the "Frequently Asked Questions 14CFR, Part 61 & 141", question 248, indicates that the flight review is required by a foreign pilot who wishes to operate a US registered aircraft on a Restricted US Pilot Certificate.

The Preamble to Part 61 does not address the purpose of 61.56 with respect to a Restricted Pilot Certificate.

FAA Order 8700.1, Chapter 29, paragraph 5D states; "A foreign pilot applicant should be advised that Title 14 of the Code of Federal Regulations (14CFR) part 61, i.e.. 61.3, allows foreign registered aircraft to be operated within the United States by a pilot holding a current license issued by the foreign country where the aircraft is registered. A U.S.-registered civil aircraft may be operated within a foreign country by a pilot holding a certificate issued by that foreign country. A person may not act as a pilot of a U.S.-registered civil aircraft in the United states unless that person holds a US. pilot certificate". Therefore, the restricted certificate must be issued under section 61.75 in order to comply with section 61.3. If the foreign pilot operates the U. S. registered aircraft in a foreign country he does not have to meet Part 61 requirements (including flight review). If he operates a foreign aircraft in the US. on his foreign license, he again does not have to meet the requirements of Part 61. The question then is why is it different for a foreign pilot, who is issued a restricted certificate based only on his foreign licenses, than for a person who operates a foreign registered aircraft in this country using his foreign licenses? The answer seems to be; there is no difference. The purpose of the restricted license is to meet the requirements of section 61.3 and that the flight review is not a requirement. In order to exercise that privilege the foreign pilot must always meet the requirements of his foreign license

other wise the restricted certificate is no longer valid. Because of this and the fact that the individual does not hold a non-restricted U S pilot certificate, it appears that they are not required to meet any other section of Part 61, other than what is stated in 61.75.

Further, FAA Order 8700.1, Chapter 29, section 2, paragraph 5J states; "Additional Requirements. Advise the applicant of the applicability of part 91 flight rules". It says nothing regarding the compliance of part 61 other than the chapter addresses meeting the requirement of section 61.75. In addition, §61.75 (b) states; "...A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may be issued a private pilot certificate based on the foreign pilot license **without any further showing of proficiency**, provided the applicant:

(1) Meets the requirements of this section;...". This being the case it appears there is some confusion with respect to the question of whether a pilot issued a restricted certificate base on a foreign licenses is indeed required to comply with the flight review requirements of section 61.56. Section 61.75 requires the foreign pilot issued a restricted pilot certificate must meet the requirement of that SECTION and that SECTION only.

Therefore, we are requesting that your office and legal counsel re-review this issue in light of the current confusion and the intended purpose of issuing a restricted pilot certificate under section 61.75. This is an important issue since it appears that Part 61.56 is geared towards and intended for an individual who holds a non-restricted U S pilot certificate. However, there appears to be a question regarding the flight review when the Restricted US Certificate is issued to a pilot based on his foreign pilot licenses and its restrictions.

It is a confusing matter in light of the purpose of issuing the restricted pilot certificate and a legal interpretation of the current rules is probably the only clear solution to the matter.

ANSWER: Ref. §61.56(c) and §61.75(b)(1); Yes, the flight review requirement even applies to foreign pilots when exercising their U.S. pilot certificate. It makes no difference whether it was a U.S. pilot certificate that was issued in accordance with §61.75 or §61.103. It is still a U.S. pilot certificate. And when a person is exercising that U.S. pilot certificate then as per §61.56(c) it states, in pertinent part, ". . . no person may act as pilot in command of an aircraft unless, since the beginning of the 24th calendar month before the month in which that pilot acts as pilot in command, that person has—

(1) Accomplished a flight review given in an aircraft for which that pilot is rated by an authorized instructor; and
(2) A logbook endorsed from an authorized instructor who gave the review certifying that the person has satisfactorily completed the review."

There is no difference. If a U.S. pilot is issued a foreign pilot license on the basis of holding a U.S. pilot certificate, that person is expected to comply with that foreign country's pilot certification rules when exercising that foreign pilot certificate. And so, there is no difference when the situation is reversed and a foreign pilot is exercising a U.S. pilot certificate.

As for your comments about §61.75 (b)(1) which states, in pertinent part ". . . without any further showing of proficiency, provided the applicant:

(1) Meets the requirements of this section;"

What that rule [i.e., §61.75(b)(1)] is addressing is ONE of the prerequisite eligibility requirements that govern the issuance of that U.S. private pilot certificate. Once the certificate is issued, there are currency and operational requirements that the pilot must meet and comply with, just like any other pilot certificate that is issued by the FAA.

And as I've said many times in the past, the FAA is a service organization, as well as a regulatory agency, and I agree and fully urge ASIs to take some time with a foreign pilot to explain our recency of experience, instrument currency, VFR rules, air traffic requirements, airspace requirements, etc. to foreign pilots when you all issue one of these §61.75 private pilot certificates.

And this answer has been coordinated and approved by the FAA's Office of Chief Counsel. {q&a-326}

QUESTION: The situation is a balloon rated pilot received a flight review in accordance with §61.56(a) that consisted ". . . of 1 hour of flight training and 1 hour of ground training . . ." As per §61.51(a)(1), it states ". . . must document and record the following time in a manner acceptable to the Administrator:

(1) **Training** and aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part.

So my question does the pilot need to have a §61.56(c) endorsement, but also per §61.51(a) is it required that the person's logbook require a record and instructor endorsement showing the ". . . 1 hour of flight training and 1 hour of ground training . . ." given? Or does the one single §61.56(c) endorsement suffice?

ANSWER: §61.51(a)(1) and §61.56(a) and (c)(2); Only the one single §61.56(c) endorsement is required. If the pilot has an endorsement that reads similar to the following endorsement, then that is sufficient for meeting the regulatory requirements:

I certify that (<u>First name, MI, Last name</u>), (<u>pilot certificate</u>), (<u>certificate number</u>), has satisfactorily completed a flight review of § 61.56(a) on (<u>date</u>).

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-00

This endorsement, by referencing §61.56(a), says in effect that the person did receive the ". . . 1 hour of flight training and 1 hour of ground training . . ." and so no other instructor endorsement is required. And historically, this one single endorsement is all that the FAA has ever required.

However, let me make it perfectly clear to both the pilot and the flight instructor and the commercial pilot-balloon pilot also, when that endorsement is made, there better have been ". . . 1 HOUR OF FLIGHT TRAINING AND 1 HOUR OF GROUND TRAINING . . ." GIVEN.

Because that is what §61.56(a) says! Not 15 minutes, BUT ". . . 1 HOUR OF FLIGHT TRAINING AND 1 HOUR OF GROUND TRAINING . . ." GIVEN.
{q&a-319}

QUESTION 1: My question involves prohibiting throw-over controls for "simulated or actual instrument flight" in the twins. Is it possible to give a private or commercial check ride without simulating instrument flight basics?

ANSWER 1: Ref. Appropriate PTS; NO, instrument flight basics must be demonstrated in an initial private pilot practical test, single or multiengine, and also in a multiengine commercial practical test, except when the aircraft is incapable of instrument flight. (See Q&A-220).

Ref. §61.45(e)(2); And NO, you CANNOT perform the portion of the private or commercial practical test where it requires simulating instrument flight basics in a throw-over control wheel multiengine airplane. As per §61.45(e)(2) ". . . (2) Test does not involve a demonstration of instrument skills; and" In fact, this prohibits the demonstration of instrument skills in a single-engine airplane with throw-over controls for a practical test.

Ref. §61.45(c); However, the applicant may segment the practical test by performing those portions of the practical test that DO NOT INVOLVE INSTRUMENT SKILLS in a throw-over control wheel airplane, but only if the ". . . Examiner agrees to conduct the test . . ." [i.e., §61.45(e)(1)] in that throw-over control single or multiengine airplane. Then the instrument portion of the practical test would be required to be performed in a single or multiengine airplane that " . . . has fully functioning dual controls . . ." [i.e., §91.109(a)] and that means it cannot be a throw-over control wheeled multiengine airplane.

QUESTION 2: How about performing a flight review with an aircraft with throw-over controls for a flight review?" Does this include the twins? If so, it appears to be in conflict with §91.109 unless there is a differentiation between "flight instruction" under §91.109 and "flight training" under §61.56. Although a person could probably be signed off in a twin under §61.56 without demonstrating basic instrument skills I don't think it would be prudent.

ANSWER 2: Ref. §61.56(a)(2) and §91.109(a); As for whether an instrument review is required during the flight review, as per §61.56(a)(2), it states ". . . (2) A review of those maneuvers and procedures that, **at the discretion of the person giving the review**, are necessary for the pilot to demonstrate the safe exercise **of the privileges of the pilot certificate**." If the applicant holds an instrument rating on his or her pilot certificate, then an instrument review is required during the flight review.

Per §91.109(a), you may conduct a flight review (flight training) in a single engine airplane with a throw-over control wheel for the instrument portion of the flight review, but you CANNOT conduct a flight review in a MULTIENGINE airplane with a throw-over control wheel as per §91.109(a) ". . . instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning throw-over control wheel . . ."

QUESTION 3: Also, on the §61.56 Flight Review, is there any difference in single/dual control requirements between a person who is still "current" and a person having in excess of 24 calendar months since his last flight review?

ANSWER 3: Ref. §61.56(c); The rule does not differentiate between "single/dual control requirements."
{q&a-295}

QUESTION 1: Does a pilot who meets the requirements of 14 CFR 61.56(d) by taking an FAA check ride in an aircraft other than an R-22, still have to take a BFR every 24 months in an R-22 (or R-44), as required by SFAR No. 73-1, paragraph 2.(c) if he wishes to continue to be PIC of an R-22 (or R-44)?

ANSWER 1: Ref. SFAR No. 73-1, paragraph 2.(c); Yes, the flight review must have been ". . . taken in an R-22 . . . or in the case of an R-44, the flight review must have been ". . . taken in the R-44."
{q&a-259}

QUESTION 10: The Pilot Proficiency Award Program covered by Advisory Circular 61-91H requires as stated in paragraph (7)(a)(3), one hour of instrument training in an airplane, FAA-approved aircraft simulator, or training device as stated in paragraph (7)(a)(3). Who is authorized to conduct that instrument training? Does it have to be a CFI-IA? Or can it be a CFI-A (no IA)?

ANSWER 10: Ref. §61.56(e) and §61.195(c); A flight review required by §61.56(c) is different than the "Instrument Proficiency Check" of §61.57(d). They are two separate requirements. The flight instructor who administers the Instrument Proficiency Check of §61.57(d) must hold a CFII-Airplane rating AND as per §61.195(c), the flight instructor must ". . . hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided."
{q&a-249}

QUESTION 1: When a restricted pilot certificate is issued on the basis of a foreign pilot certificate, does that pilot need to comply with the requirements of FAR 61.56 (BFR or equivalent).

ANSWER 1: §61.56(c); Yes, the BFR applies to foreign pilots who are exercising their U.S. pilot certificate. As per §61.56(c) states, in pertinent part, ". . . no person may act as pilot in command of an aircraft unless, since the beginning of the 24th calendar month before the month in which that pilot acts as pilot
in command, that person has--

(1) Accomplished a flight review given in an aircraft for which that pilot is rated by an authorized instructor; and

(2) A logbook endorsed from an authorized instructor who gave the review certifying that the person has satisfactorily completed the review."

NOTE: A foreign pilot must meet the § 61.56 review requirement **BEFORE** exercising the privileges of a restricted certificate.

QUESTION 2: If that same foreign pilot had just passed a test for a new privilege in that foreign country, and, it was a valid ICAO test, then is that acceptable as a BFR (even though the foreign inspector or instructor was not the holder of a US instructor or US examiner authorization)?

ANSWER 2: §61.41(b); No, it is not acceptable for a foreign instructor to make the endorsement for a BFR [i.e., §61.56(c)(2)]. As per §61.41(b), "A flight instructor described in paragraph (a) of this section is only authorized to give endorsements to show training given." But a foreign instructor is not permitted to do the sign off for the BFR. That has to be done by an appropriately rated U.S. certificated flight instructor.
{q&a-248}

QUESTION: Ref. §61.56(c); What does the phrase ". . . since the beginning of the 24th calendar month before the month . . . ." mean in §61.56(c)?

ANSWER: It means, in layman terms, go backwards 24 calendar months from the MONTH the person acts as pilot in command and sometime during those preceding 24 calendar months you have to had accomplished a flight review.

§61.56(c) states as follows:

> Except as provided in paragraphs (d), (e), and (g) of this section, no person may act as pilot in command of an aircraft unless, since the beginning of the 24th calendar month before the month in which that pilot acts as pilot in command, that person has--

{q&a-216}

QUESTION: The scenario is a rated pilot who is training for a new rating and is flying as a solo "PIC" with appropriate endorsements. In accordance with § 61.56(g), would this rated pilot still be required a current flight review, even to solo the glider while under instruction?

ANSWER: Ref. §61.31(d)(3); No, the pilot would not need to have a current Flight Review to solo as PIC a glider while undergoing training for that rating in a glider, provided that pilot has received the appropriate training and has a current solo endorsement in a glider, as per §61.31(d)(3). Section 61.31(d)(3) was specifically written to address this situation. Section 61.31(d)(3), states, in pertinent part:

> (d) Aircraft category, class, and type ratings: Limitations on operating an aircraft as the pilot in command. To serve as the pilot in command of an aircraft, a person must—
> * * * * *
> (3) Have received training required by this part that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

And even though the recent revision to §61.56(g) was for student pilots, in the preamble of that correction final rule (78 FR 20283) that was issued in the Federal Register on April 23, 1998, it stated:

> Section 61.56 Flight review. Section 61.56 provides that a person may act as PIC of an aircraft only if that person has accomplished a biennial flight review (BFR). Because §61.51 now permits student pilots, under certain circumstances, to log PIC flight time, there has been some concern as to whether the BFR requirement applies to student pilots. Before the adoption of the final rule, a student pilot was required to log solo flight time, rather than PIC flight time, when that student pilot was the sole occupant of the aircraft or when that student pilot was acting as PIC of an airship requiring more than one flight crewmember. To avoid confusion, the FAA has revised §61.56 to except a student pilot from the BFR requirement if that student pilot is undergoing training for a certificate and has a current solo flight endorsement as required under §61.87 of this part.

This is the same line of thinking that goes along with §61.31(d)(3).
{q&a-191}

QUESTION: Does accomplishment of a Part 135 SIC proficiency check satisfy the BFR requirements of §61.56(a) or does it have to be a Part 135 PIC proficiency check?

ANSWER: Per §61.56(d), it says ". . . passed a pilot proficiency check conducted by . . . approved check airmen . . . need not accomplish the flight review required by this section."

So the answer is NO, it does not have to be a Part 135 PIC pilot proficiency check. It can merely be an SIC proficiency check conducted by a check airmen. However, to make sure the applicant gets credit for successful completion of the Flight Review, the examiner should record that the §61.56 Flight Review was satisfactorily completed in the applicant's logbook.
{q&a-199}

QUESTION: I had a CFI call yesterday afternoon who lives most of the year in Sweden. His 24 months for his Flight Review expires while he is in Sweden and he is wondering if a Flight Instructor with ICAO certificate can give him a flight review or if he must have a Flight instructor with U.S. certificate conduct the flight review? FAR 61.56 states the flight review should be conducted "...by an appropriately rated instructor under this part or other person designated by the administrator..." The way I read this is to indicate that the "other person designated by the administrator" is one of the individuals outlines in paragraph (d) of 61.56.

Since more and more pilots are moving abroad this is becoming a question I get quite frequently. Can you shed some light on this one.

ANSWER: Ref. §61.41(b). The foreign instructor may give training, but he can **NOT** endorse a person for satisfactory completion of a §61.56 Flight Review.
{q&a-156}

QUESTION 1: The particular question is whether a flight instructor who passes a flight instructor practical test (for initial issuance or a CFI rating addition or for a reinstatement) is or is

not exempt from needing a §61.56 Flight Review for the next two years, since the reg. specifically says PILOT proficiency check." §6l.56 d - allows this exemption for a person who has"... passed a PILOT proficiency check.." not needing to accomplish a flight review for the next 2 years.

ANSWER 1: Ref. §61.56(d); If the examiner also evaluates the applicant's piloting skills then YES, ". . . a flight instructor practical test (for initial issuance or a CFI rating addition or for a reinstatement) . . ." would meet the requirements of a §61.56 Flight Review. However, to make sure the applicant gets credit for successful completion of the Flight Review, the examiner should record that the §61.56 Flight Review was satisfactorily completed in the applicant's logbook.

§61.56(d) states:

> (d) A person who has, within the period specified in paragraph (c) of this section, passed a pilot proficiency check conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force, for a pilot certificate, rating, or operating privilege need not accomplish the flight review required by this section.

QUESTION 2: Does a Part 141 annual check also count in lieu of a flight review?

ANSWER 2: Ref. §61.56(d); As is the case in the Answer to Question 1 above, if the Chief Instructor, Assistant Chief Instructor, or Check Instructor evaluates the flight instructor's piloting skills then the answer is YES, a Part 141 annual check would count for a §61.56 Flight Review. However, to make sure the applicant gets credit for successful completion of the Flight Review, the Chief Instructor, Assistant Chief Instructor, or Check Instructor who conducts the check should record that the §61.56 Flight Review was satisfactorily completed in the applicant's logbook.
{q&a-176}

QUESTION: In §61.56(b) it states a glider pilot may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude**. . ." Could performing a rope break at 200' AGL qualify as ". . . a flight to traffic pattern altitude . . .?"

ANSWER: **YES**; Reference §61.56(b) states:

§ 61.56 Flight review.
* * * * *

(b) Glider pilots may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude**, in lieu of the 1 hour of flight training required in paragraph (a) of this section.
* * * * *

We are silent in the rule on the height of traffic pattern altitude. We stated in the preamble of the final rule (62 FR 16252; April 4, 1997):

"In response to the comment concerning the performance of 360 degree turns, the FAA has modified the language in paragraph (b) to permit three instructional flights in a glider, each of which requires flight to traffic pattern altitude. This modification should provide instructor with greater flexibility during the conduct of a flight review for glider pilots. The FAA expects that each instructional flight to traffic pattern altitude will consist of a launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight."

So in further answer to this question, the rule doesn't specify the height of traffic pattern altitude. So as long as during this rope break at 200' AGL, the pilot demonstrates ". . . launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight," then yes the maneuver meets the rule requirements of §61.56(b).
{q&a-126}

QUESTION: Can BFR be accomplished in a single place aircraft (i.e., ag airplane)?

ANSWER: No. §61.56(a) requires as a minimum 1 hour of flight training and 1 hour of ground training on a BFR. The definition of flight training in the new §61.1(b)(6) states:
"(6) Flight training means that training, other than ground training, received from an authorized instructor in flight in an aircraft."

and

the new §61.195(g) states:

(g) Position in aircraft and required pilot stations for providing flight training.

(1) A flight instructor must perform all training from in an aircraft that complies with the requirements of § 91.109 of this chapter.

(2) A flight instructor who provides flight training for a pilot certificate or rating issued under this part must provide that flight training in an aircraft that meets the following requirements —

(i) The aircraft must have at least two pilot stations and be of the same category, class, and type, if appropriate, that applies to the pilot certificate or rating sought.

(ii) For single-place aircraft, the pre-solo flight training must have been provided in an aircraft that has two pilot stations and is of the same category, class, and type, if appropriate.

Thus, the BFR must be performed in at least a 2-place aircraft.
{q&a-28}

61.57

QUESTION: As a CFI, I'm frequently asked about the meaning of §61.57(c)(1)(ii), the requirement for a pilot, in order to act as PIC under IFR, to have performed and logged within the preceding 6 months, "holding procedures." The question is, what constitutes the minimum "holding procedures" needed to satisfy this requirement? Would a single hold entry, including getting established on the inbound course and crossing the holding fix, be enough? Or would a full turn in the hold be required? Multiple turns? Multiple separate hold entries?

Of course I encourage instructors to be safely competent and not merely satisfy the minimum requirements. But the above question arises because in operational instrument flying -- as opposed to practice or instructional sessions -- one often executes a hold entry as part of an approach procedure, but it is rare these days to be given an actual hold. Therefore sometimes completely proficient instrument pilots wonder if they meet the currency requirements, or need to purposely do some additional holding maneuvers in order to satisfy §61.57(c).

ANSWER: Ref. §61.57(c)(1)(ii); The recommended procedures that need to be performed in order for a pilot to remain current in "holding procedures" should be as a minimum those procedures listed under the paragraph "Objective" in the Instrument Rating Practical Test, FAA-S-8081-4C, area of operation III, task C as:

1. Exhibits adequate knowledge of the elements related to holding procedures.
2. Changes to the holding airspeed appropriate for the altitude or aircraft when 3 minutes or less from, but prior to arriving at, the holding fix.
3. Explains and uses an entry procedure that ensures the aircraft remains within the holding pattern airspace for a standard, nonstandard, published, or non-published holding pattern.
4. Recognizes arrival at the holding fix and initiates prompt entry into the holding pattern.
5. Complies with ATC reporting requirements.
6. Uses the proper timing criteria, where applicable, as required by altitude or ATC instructions.
7. Complies with pattern leg lengths when a DME distance is specified.
8. Uses proper wind correction procedures to maintain the desired pattern and to arrive over the fix as close as possible to a specified time.
9. Maintains the airspeed within 10 knots; altitude within 100 feet (30 meters); headings within 10°; and tracks a selected course, radial, or bearing.

{q&a-396}

QUESTION: Can an individual accomplish a "instrument proficiency check" under §61.57(d) for an aircraft for which he is type rated (for example – King Air or Aero Commander 500) using a simulator (for example - LR-35 level D) of an aircraft for which he is NOT type rated? This individual is enrolled in an "SIC" course, but would like to receive a §61.57(d) check to satisfy the requirement.

ANSWER: Ref. § 61.57(d)(1)(ii); Yes, the individual can utilize a simulator (that is representative of a LR-35 level D) even when the individual only holds a rating in another aircraft of the same category, in this case: "AIRPLANE". Per 14 CFR § 61.57(d)(1)(ii) ". . . in a flight simulator or flight training device that is representative of the aircraft category . . ." (emphasis added ". . . that is representative of the aircraft CATEGORY . . ."
{q&a-382}

QUESTION 1: According to § 91.109(b), a safety pilot must possess at least a private certificate with appropriate category & class ratings. Is it necessary for that safety pilot to be "current" in the aircraft (landings, etc.)? Requirements of 61.55 specifically exempt safety pilots [§ 61.55(d)(4)], but where are the safety pilot criteria actually spelled out. Section 61.57 refers to pilot-in-command requirements, but a safety pilot is not PIC, only a required crew member.

Further, has there ever been an interpretation that the safety pilot must be Instrument Rated for that type of VFR operation?

ANSWER 1: Ref. § 61.31(d)(1); § 61.51(e)(1)(iii), § 61.51(f)(2), § 61.3(c); § 61.56(c), § 61.57(c); A safety pilot is a "required crewmember" and must hold at least a valid private pilot certificate with category and class ratings appropriate to the aircraft being flown per § 91.109(b) and a valid medical certificate per § 61.3(c).

That person who is serving as a safety pilot may choose to act as the legal pilot-in-command (per 14 CFR part 1) and log the time as PIC [per § 61.51(e)(1)(iii)], or otherwise log the time as SIC time [per § 61.51(f)(2)], but is not even required to log the time at all. However, the safety pilot's name must be logged by the person practicing instrument flight [per § 61.51(g)(3)(ii)]. If the safety pilot is going to act as the legal PIC for the flight that person must ". . . Hold the appropriate category, class, and type rating (if a class rating and type rating are required) for the aircraft to be flown;" [per § 61.31(d)(1)].). And if the flight is conducted in a high performance, complex, tail wheel, etc. aircraft and the safety pilot is acting as the legal PIC that pilot must have the appropriate endorsements that are required by § 61.31(e), (f) and/or (i), as appropriate. This could be a reason why a safety pilot might only be able to serve as an SIC and log it as SIC time.

And assuming the operation is a simulated instrument flight (as in the case the flight is performed in VMC conditions under VFR), the safety pilot would not need to hold an instrument rating. If any portion of the flight were conducted on an IFR flight plan (e.g., in and out of the clouds and/or even on an IFR flight plan) at least one of the pilots must have an instrument rating and the § 1.1 PIC must be instrument current in accordance with § 61.57(c) and be Flight Review current in accordance with § 61.56(c).

QUESTION 2: Another scenario, two pilots are out flying with one of the pilots serving as a safety pilot and that person has agreed to act as the PIC (i.e., § 1.1) and log PIC while the other pilot uses a view limiting device. The other pilot is under the "hood" and is the sole manipulator of the controls while performing instrument tasks. No passengers are being carried. Which pilot has to be § 61.57(a)(1) takeoff and landing current?

ANSWER 2: Ref. § 61.57(a)(1); and § 61.31(e), (f) and (i), as appropriate; I noticed you said no passengers are being carried. So the answer would be: at least one of the pilots has to be § 61.57(a)(1) takeoff and landing current. As per § 61.57(a)(1), it states, in pertinent part, ". . . no person may act as a pilot in command of an aircraft carrying passengers or of an aircraft certificated for more than one pilot flight crewmember unless that person has made at least three takeoffs and three landings within the preceding 90 days, and" Emphasis added ". . . of an aircraft carrying passengers . . ." In this scenario, you said no passengers are being carried. It is just two pilots out flying with one pilot under the "hood" performing instrument tasks and the other pilot is a crewmember acting as safety pilot. This safety pilot may act as the PIC and log PIC even if he does not have the § 61.57(a)(1) takeoff and landing currency. (This may or may not be prudent in today's litigation environment.) But, if a passenger were also on board, then the safety pilot must have the § 61.57(a)(1) takeoff and landing currency and also be Flight Review current in accordance with § 61.56(c) in order to be PIC and log PIC.
{q&a-377}

CORRECTION TO Q&A #255:
QUESTION: Per the provisions of paragraphs (c) and (d) of § 61.57, Can I act/serve as PIC if I have not accomplished the instrument currency tasks of paragraph (c) of §61.57 within the prescribed time of 6 calendar months? Can you explain how to read §61.57(c) and (d)?

ANSWER: Ref. §61.57(c) and (d); No, a person may not act/serve as PIC under IFR or in weather conditions less than the minimums prescribed for VFR if he has not accomplished the instrument currency tasks of paragraph (c) of § 61.57 within the preceding 6 calendar months. The way to read §61.57(c) and (d) is as follows:

In order for a pilot to act/serve as PIC under IFR or in weather conditions less than the minimums prescribed for VFR, that pilot a person must have ". . . performed and logged under actual or simulated instrument conditions, either in flight in the appropriate category of aircraft for the instrument privileges sought or in a flight simulator or flight training device that is representative of the aircraft category for the instrument privileges sought--

(i) At least six instrument approaches;
(ii) Holding procedures; and
(iii) Intercepting and tracking courses through the use of navigation."

Otherwise, the pilot should check their logbook to find that it shows the following instrument currency tasks performed within the preceding 6 calendar months:

(i) At least six instrument approaches;
(ii) Holding procedures; and
(iii) Intercepting and tracking courses through the use of navigation systems.

As an example:

An IFR flight is proposed on the 15th of September. The pilot would check for the required instrument currency experience back as far as the first day of March [i.e., as per § 61.57(c) ". . . within the preceding 6 calendar months, that person has . . ."] emphasis added "**calendar months.**" In this scenario, ". . . within the preceding 6 calendar months, that person has . . ." equates to experience for the requirements logged up to 204 days previous, rather than just 180 days, because as per § 61.57(c) ". . . within the preceding 6 calendar months, that person has . . .". However, if for instance only 5 approaches had been logged during this period and the first of the required 6 approached had been logged on February the 28th the pilot could not file the flight plan and be able to act/serve as the pilot-in-command under IFR or in weather conditions less than the minimums prescribed for VFR. His currency for this purpose would have ended on August 31.

Now, in our example, if the first of the usable five approaches had been logged, lets say, on the 10th of June and the holding/intercepting requirements had been met since then, our pilot could not act as PIC, but he is "within 6 calendar months after the prescribed time" (the second six months). As soon as he makes at least one additional instrument approach (actual or simulated conditions) his currency for acting (serving) as PIC suddenly jumps to December 31st, representing 6 calendar months from June 10 through December 10 and actually to the end of December.

If our pilot had logged all of the 5 approached in June and did not have the opportunity to do any further instrument flight on or before the last day of June the next year, our pilot would now be required to meet the instrument proficiency check requirements of §61.57(d). And then the clock starts all over again (i.e., first six calendar months, second six calendar months, and IPC).
{q&a-255}

QUESTION: I recently upgraded to captain and have a question regarding the logging of flight time. My question is: As the PIC, when I'm not the flying pilot, should I be logging night and/or instrument flight time? Obviously the approaches can't be logged, but I'm wondering if the actual instrument time can be logged. Same goes for the night time.

ANSWER: Ref. §61.51(e)(2) and §61.57; If you're a holder of an ATP certificate, and provided you're ". . . acting as pilot-in-command of an operation requiring an airline transport pilot certificate" then yes you may log actual instrument time and night time while acting as pilot-in-command. But don't read into that answer, that you can count the time toward meeting the recent flight experience of §61.57. Because you can't. Those requirements are "hands-on-the-controls" requirements.
{q&a-340}

QUESTION: I have a question about Part 61 related to the landings a CFI can use to maintain currency for carrying passengers. FAR 61.57 (a)(1)(i) and (b)(1)(i) stating that the person must be the sole manipulator of the controls seems pretty straight forward to me. However, we've had some discussions about whether FAR 61.51(e)(3) - an authorized instructor may log as PIC time all flight time while acting as an authorized instructor. For example, during the previous 90 days a CFI has one night flight and oversees his student doing 3 landings to a full stop. The CFI never touches the controls. However, the instructor is allowed to log the entire flight as PIC. Does this allow a CFI to count landings by the individual they're instructing toward his/her currency requirements for carrying passengers?

ANSWER: Ref. §61.57(a)(1)(i); No, an instructor cannot maintain/attain the §61.57 recent experience for takeoffs and landings while monitoring and critiquing takeoff and landings performed by another pilot/student. The application of the terminology "must be the sole manipulator of the controls" does apply to your question. Certainly, an instructor could use a takeoff or landing for currency if it is being demonstrated and the instructor is the SOLE MANIPULATOR OF THE CONTROLS. The rule [i.e., §61.51(e)(3)] allowing the instructor to log pilot-in-command does not suffice.
{q&a-329}

QUESTION: Is it true that a CFI giving an endorsement for an Instrument Proficiency Check must have an instrument rating (CFII) on his/her flight instructor certificate? I can't seem to find anything in the current Part 61 that states that an Instrument Proficiency Check endorsement requires a CFII. The §61.57(d)(2)(iv) requires an "authorized instructor". The definition of "authorized instructor" now seems to come from FAR 61.193 (Flight Instructor Privileges) and FAR 61.195 (Flight Instructor Limitations). The only reference to a requirement for a CFII that I can find is in FAR 61.195(c).

ANSWER: Ref. §61.57(d)(2)(iv) and §61.193; A flight instructor who performs an instrument proficiency check, as required by §61.57(d), must hold the appropriate instrument rating for the category and class of aircraft that the instrument proficiency check is being conducted in. As per §61.193, it states in pertinent part, ". . . A person who holds a flight instructor certificate **is authorized within the limitations of that person's flight instructor certificate and ratings to give training and endorsements that are required for, and relate to**:

* * * * *

(f) An instrument rating;

A flight instructor who does not hold an instrument rating on their flight instructor certificate that is appropriate to the category and class of aircraft that the instrument proficiency check is being conducted in is NOT authorized to conduct the instrument proficiency check.

The term "authorized instructor" was intentionally used in §61.57(d) because authorization to conduct an instrument proficiency check is not limited to a CFII. A Ground Instructor Certificate - Instrument Rating is also an "authorized instructor" and is authorized to give the instrument proficiency check in an approved flight training device. Also, a Part 142 training center instructor, who may or may not hold any certificate or ratings, can be an "authorized instructor" who may give the instrument proficiency check that is performed under an approved Part 142 training program in an approved flight simulator, in accordance with a Part 142 approved training program. Another example, a pilot who holds a Letter of Operational Authority (LOOA) may give the endorsements for the instrument proficiency check to a holder of a Letter of Authorization (LOA).) Holders of an LOOA give training for the endorsement for the Letter of Authorization (LOA) allowing a pilot to act as pilot in command in surplus military turbine or piston powered airplane, in accordance with FAA Order 8700.1, Chapter 32. However, in this case, the holder's Letter of Operational Authority (LOOA) must specifically state this authority to give the endorsements for the instrument proficiency check. And so the rulemaking team that drafted the new Part 61 decided on merely stating . . . An authorized flight instructor . . ." But notice in §61.57(d)(2)(v), we also included ". . . A person approved by the Administrator to conduct instrument practical tests."
{q&a-315}

QUESTION: FAR 61.56, requires an endorsement for a flight review. How come an endorsement is not required for an instrument proficiency check IAW FAR 61.57? Just asking. Question was brought up at recent DPE meeting.

ANSWER: §61.51(a)(2) and §61.57(d); Yes, an endorsement from an instructor is required for completion of an instrument proficiency check. Note the words in §61.51(a)(2):

"(a) Training time and aeronautical experience. Each person must document and record the following time in a manner acceptable to the Administrator:

* * * * *

(2) The aeronautical experience required for meeting the **recent flight experience requirements** of this part."

And §61.57 is titled "§ 61.57 **Recent flight experience**: Pilot in command." Emphasis added "**Recent flight experience**"

{q&a-311}

QUESTION 1: Situation is a company that operates only one type of an airplane that is type certificated for more than one pilot flight crewmember, but the pilot in command holds multiple type ratings in airplanes that are type certificated for more than one pilot flight crewmember. Does the alternative night takeoff and landing currency requirement in §61.57(e)(3) [i.e., ". . . who operates more than one type of an airplane that is type certificated for more than one pilot flight crewmember . . ."] apply to the pilot in command or the operator?

ANSWER 1: Ref. §61.57(e)(3); It applies to the PIC. The phrase ". . . who operates more than one type of an airplane that is type certificated for more than one pilot flight crewmember . . ." applies to the pilot in command. So even if the company only operates one airplane that is type certificated for more than one pilot flight crewmember but the PIC holds multiple type ratings in airplanes that are type certificated for more than one pilot flight crewmember then the night takeoff and landing currency alternative of §61.57(e)(3) applies to that PIC.

QUESTION 2: What is the meaning of the words ". . . who operates . . ." in §61.57(e)(3) where its states ". . . **who operates** more than one type of an airplane that is type certificated for more than one pilot flight crewmember . . ."? How often does a PIC have to **operate** these airplanes in order to qualify under the alternative night takeoff and landing currency provisions of §61.57(e)(3)?

ANSWER 2: Ref. §61.57(e)(3)(iii); Per §61.57(e)(3)(iii), it requires that the PIC have ". . . accomplished at least 15 hours of flight time in the type of airplane that the pilot seeks to operate under this alternative within the preceding 90 days prior to the operation of that airplane . . ."

QUESTION 3: A follow-on to question 2, the situation is this PIC holds multiple type ratings (e.g., Lear 60 and Cessna 750) on his pilot certificate. But the company only operates a Lear 60. And the PIC does not fly the Cessna 750 at all. Does the PIC have to show 15 hours of flight time in the Cessna 750 in the preceding 90 days in order to be afforded to qualify for the night takeoff and landing currency alternative of §61.57(e)(3) in the Lear 60?

ANSWER 3: Ref. §61.57(e)(3)(iii); No, he does not need to show 15 hours of flight time in the Cessna 750 in the preceding 90 days in order to be afforded to qualify for the night takeoff and landing currency alternative of §61.57(e)(3) in the Lear 60. Per §61.57(e)(3)(iii), the PIC needs to have ". . . accomplished at least 15 hours of flight time in the type of airplane that the pilot seeks to operate under this alternative within the preceding 90 days prior to the operation of that airplane . . ." So he needs to show at least 15 hours of flight time in the preceding 90 days in the Lear 60 to be afforded the night takeoff and landing currency alternative of §61.57(e)(3) for the Lear 60.

But if he intends to operate the Cessna 750 under the night takeoff and landing currency alternative of §61.57(e)(3), then he also must have ". . . accomplished at least 15 hours of flight time in the type of airplane that the pilot seeks to operate under this alternative within the preceding 90 days prior to the operation of that airplane . . ." in the Cessna 750. But if he is only

operating the Lear 60, then he only must show 15 hours of flight time in the preceding 90 days in the Lear 60.

QUESTION 4: Situation is a PIC operates and holds type ratings in the Cessna 501, Cessna 551, and a Lear 60, is this pilot afforded the night takeoff and landing currency alternative of §61.57(e)(3)?

ANSWER 4: Ref. §61.57(e)(3); No, this PIC is not afforded the night takeoff and landing currency alternative of §61.57(e)(3). As per §61.57(e)(3), it states the ". . . pilot in command who operates more than one type of an airplane **that is type certificated for more than one pilot flight crewmember** . . ." The Cessna 501 and the Cessna 551 are not type certificated for more than one pilot flight crewmember. This pilot only holds one type of airplane that is type certificated for more than one pilot flight crewmember and that airplane is the Lear 60.

QUESTION 5: A follow on to question 4 is the PIC who operates and holds type ratings in the Cessna 501, Cessna 551, and a Lear 60. It is his company's policy that a PIC and SIC be assigned for all flights involving the Cessna 501 and Cessna 551. So now is it possible for this PIC to be afforded the night currency alternative of §61.57(e)(3)?

ANSWER 5: Ref. §61.57(e)(3); Again the answer is no. Per §61.57(e)(3), it states the ". . . pilot in command who operates more than one type of an airplane **that is type certificated for more than one pilot flight crewmember** . . ." The Cessna 501 and Cessna 551 are not type certificated for more than one pilot flight crewmember.

QUESTION 6: A follow on to question 5 is the PIC who operates and holds type ratings in the Cessna 501, Cessna 551, and a Lear 60. In both the type ratings in the Cessna 501 and Cessna 551, the PIC has a limitation "Second in Command Required" on his pilot certificate for these type ratings. So, now is it possible for this PIC to be afforded the night currency alternative of §61.57(e)(3) in the Lear 60?

ANSWER 6: Ref. §61.57(e)(3); Again the answer is no. Per §61.57(e)(3), it states the ". . . pilot in command who operates more than one type of an airplane **that is type certificated for more than one pilot flight crewmember** . . ." Granted the PIC's pilot certificate has the limitation "Second in Command Required" for the Cessna 501 and Cessna 551 type ratings, but neither of these airplanes' type certificates require more than one pilot flight crewmember.

QUESTION 7: In reading §61.57(e)(3)(iv)(B), it appears this alternative night takeoff and landing currency requirement provides that a PIC ". . . who operates more than one type of an airplane that is type certificated for more than one pilot flight crewmember . . ." has only a yearly night takeoff and landing currency instead of the every "90 days" night takeoff and landing currency of §61.57(b)(1)? Is this correct?

ANSWER 7: Ref. §61.57(e)(3)(iv)(B); Yes, provided the PIC meets the requirements of §61.57(e)(3) and complies with the requirements of §61.57(e)(3)(iv)(B), then as per §61.57(e)(3)(iv)(B) the PIC need only accomplish ". . . within the preceding 12 calendar months prior to the month of the flight, which requires the performance of at least 6 takeoffs and

6 landings to a full stop as the sole manipulator of the controls in a flight simulator that is representative of at least one of the types of airplanes that the pilot seeks to operate under this alternative . . ."

QUESTION 8: Situation is a PIC who works for a company that operates a Gulfstream III and IV and Cessna 750. This PIC holds type ratings in the Gulfstream III and IV and Cessna 750. In the previous 90 days, this PIC has logged one takeoff and landing to a full stop at night in the Gulfstream III, and two takeoffs and landings to a full stop at night in the Cessna 750. Since all the takeoffs and landings were not performed in just one of the types but was performed in combination in the Gulfstream III and the Cessna 750, does this satisfy the requirements of §61.57(e)(3)(iv)(A)?

ANSWER 8: Ref. §61.57(e)(3)(iv)(A): Yes, performing the three takeoffs and landings to a full stop in different airplanes still meets the intent of ". . . in at least one of the types of airplanes that the pilot seeks to operate under this alternative, within the preceding 90 days prior to the operation of **any of the types** of airplanes that the pilot seeks to operate under this alternative. . . .", as per §61.57(e)(3)(iv)(A). Otherwise, all three takeoffs and landings to a full stop do not have to be performed in just one of the types, but may be spread out amongst the airplanes that the pilot seeks to operate under this night takeoff and landing currency alternative of §61.57(e)(3).

But I will say to you all by just meeting this requirement is just meeting the MINIMUM requirements for remaining night takeoff and landing current. Each pilot knows his or her limitations, and if he or she believes that this requirement is not sufficient for their own personal currency, then it would behoove that pilot to accomplish more than just these minimum night takeoff and landing currency requirements. Only the individual pilot really knows the amount of recurrent training and practice that keeps he or she proficient and competent.

QUESTION 9: Is §61.57(e)(3) meant to apply to 135 operators who operate more than one type of aircraft requiring a type rating?

Section 61.57(e)(2) states, "This section does not apply....air carrier 135....if the pilot is in compliance with 135.247....as appropriate." What if a pilot is not in compliance with §135.247, but the Part 135 company he works for is approved for training with a 142 Training Center, and is trained under a program that meets §61.57 (e)(3)(iv)(B) [i.e., performs 6 takeoffs and landings to a full stop under dark sky conditions].

Essentially, is §61.57(e)(3) intended to work just for corporate pilots, or can it be applied to 135 carriers as well?

ANSWER 9: Per §61.57(e)(2); Yes, it may apply to Part 135 PICs if the PIC hasn't complied with §§ 135.243 and 135.247 of this chapter. However, if the Part 135 PIC has complied with §§ 135.243 and 135.247 of this chapter then §61.57(e)(3) wouldn't be appropriate.

As per 61.57(e)(2):

"(2) This section does not apply to a pilot in command who is employed by an air carrier certificated under part 121 or 135 and is engaged in a flight operation under part 91, 121, or 135 for that air carrier if he pilot is in compliance with Secs. 121.437 and 121.439, or Secs. 135.243 and 135.247 of this chapter, as appropriate."

So the answer is §61.57(e)(3) does not apply to Part 135 PICs, provided the PIC is in compliance with §§ 135.243 and 135.247 of this chapter. However, if the PIC is NOT in compliance with §§ 135.243 and 135.247 of this chapter then the answer is Part 135 PICs could comply with the alternative night takeoff and landing currency of §61.57(e)(3).
{q&a-292}

QUESTION 4: As far as logging an approach in actual, is there any requirement (i.e. must it be in actual conditions beyond the final approach fix)? Assume that the pilot was flying single-pilot IFR so he couldn't simply put on the hood if he broke out?

ANSWER 4: §61.51(g)(1) and §61.57(c)(1)(i); Again the only place where it defines logging "instrument flight time" means ". . . a person may log instrument time only for that flight time when the person operates the aircraft solely by reference to instruments . . . ." As for logging an "actual" approach, it would presume the approach to be to the conclusion of the approach which would mean the pilot go down to the decision height or to the minimum decent altitude, as appropriate. If what you're asking is whether it is okay to fly to the FAF and break it off and then log it as accomplishing an approach, the answer is NO.
{q&a-291}

QUESTION: §61.57(d) indicates that the only exceptions to the requirement for an instrument proficiency check are allowed by 61.57(e). In (e) it basically allows a person who is employed as a pilot by an air carrier and who maintains currency under FAR 121 or 135 to not have to comply with the recency requirements of §61.57. My question is this: since the requirements of 61.58 also require a demonstration of the same skills required for the initial issuance of the ATP certificate or a type rating, does the §61.58 check also meet the requirements of §61.57(c) and/or (d)?

ANSWER: Ref. §61.57(e); NO, a §61.58 PIC check does not meet the requirements of a §61.57(d) instrument proficiency check..

Just as it states in §61.57(e)(1), ". . . this section do not apply to a pilot in command who is employed by a certificate holder under part 125. . ." and just as it states in §61.57(e)(2), "This section does not apply to a pilot in command who is employed by an air carrier certificated under part 121 or 135 and is engaged in a flight operation under part 91, 121, or 135. . ."
{q&a-289}

QUESTION 1: Reference §61.57(d): Request guidance on the meaning/intent of the wording ". . . a representative number of tasks. . ."

ANSWER 1: First of all, neither the regulation nor the preamble of the regulation covers what you're asking. The answer is to be found in the Instrument Rating Practical Test Standards, FAA-S-8081-4C on page 15 of the Introduction (effective with change 2 as of 03/11/99). The

right hand column of the Rating Task Table indicates the required Tasks for the Areas of Operation.

Historically, the wording ". . .a representative number of tasks . . ." requires an objective decision to be made by the CFII/examiner that is dependent on the applicant's ability. If it becomes obvious during the conduct of the instrument proficiency check that a pilot who has not flown instruments in over a year or more is extremely weak, then the check may need to be more extensive than the required list. The CFII/examiner needs to be able to say at the conclusion of the check, YES THIS PILOT CAN OPERATE SAFELY IN THE NATIONAL AIRSPACE SYSTEM.

QUESTION 2: Can an PC ATD device be used for the instrument proficiency check?

ANSWER 2: Reference §61.57(d)(1): No.
{q&a-94}

QUESTION 9: The flight review requirements of FAR 61.56(a) requires 1 hour of flight training and 1 hour of ground training which includes a review of the current general operating and flight rules of part 91 and a review of those maneuvers and procedures that, at the discretion of the person giving the review, are necessary for the pilot to demonstrate the safe exercise of the privileges of the pilot certificate. If the person getting the flight review holds an Instrument-Airplane rating on his certificate does the review have to be given by a CFI-IA and include instrument procedures such as radial intercepts, approaches, etc.? Can a CFI-A (but no Instrument-Airplane rating on his CFI) give the flight review to the instrument rated pilot and can that CFI cover any instrument maneuvers such as those that might be given to a Private pilot under 61.107?

ANSWER 9: Ref. §61.193 and §61.195(c); You're incorrectly mixing up the flight review requirements of §61.56(c) with the Instrument Proficiency Check of §61.57(d). They are two separate requirements. But if you're asking whether a CFI-ASE only can administer the Instrument Proficiency Check of §61.57(d), the answer is no. The flight instructor must hold a CFII-Airplane rating to administer the Instrument Proficiency Check of §61.57(d).
{q&a-249}

QUESTION 2: In the section on paragraph 61.57 of the "Frequently Asked Questions of parts 61& 141" the question is asked whether an IGI can conduct the proficiency check required in an approved ground training device. The answer given is yes. However, I have a letter AFS 840 signed by Michael Sacrey stating that "Only a certificated instrument flight instructor may conduct the instrument competency check, regardless of whether given in a ground training device, an aircraft simulator, or in an aircraft." Which interpretation is the correct one?

ANSWER 2: Ref. §61.215(c)(2). Yes, an IGI can perform **training** in a flight simulator or flight training device ". . . for an instrument proficiency check."

It has been brought to my attention that my earlier answer on Question 2 may have confused training vs. checking. **Only those persons identified in §61.57(d)(2) can GIVE the instrument proficiency check.**

{q&a-104}

QUESTION: Would a pilot using an approved flight simulator or flight training device to meet the instrument currency requirements of paragraph 61.57(c)(1) or (2) need to have an instructor present?

ANSWER: Reference §61.1(b)(10); **Yes,** if using a flight simulator (FS) or a flight training device (FTD), it MUST be accompanied and monitored by a:

1. Certificated Flight Instructor-Instrument (CFII) who is appropriately rated and qualified;

2. Instrument Ground Instructor (IGI);

3. Advanced Ground Instructor (AGI);

4. Part 142 training center instructor who is appropriately rated and qualified;

5. Persons cited in §61.57(d)(2) and who are appropriately rated and qualified;

6. An ATP in accordance with §61.167 and who is appropriately rated and qualified; and

7. An authorized instructor, as defined in §61.1(b)(2), and who is appropriately rated and qualified.

And for those of you who will argue that currency is not the same as training, the answer is still yes. We here in AFS-840 write the rules and we also write the policy and we say that currency is training. So, **the answer is yes**. To use a FS or FTD you have to have an authorized instructor there to monitor the training.

{q&a-103}

QUESTION 2: What are the instrument recency requirements and are there hour requirements?

ANSWER 2: The hour requirements are only for the glider pilots and nothing has changed in the new rule for glider pilots in this new rule. For the remainder of the pilots, the instrument recency of experience are covered in § 61.57(c) which states:

(c) Recent instrument experience. Except as provided in paragraph (e) of this section, no person may act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR, unless within the preceding 6 calendar months, that person has:

(1) For the purpose of obtaining instrument experience in an aircraft (other than a glider), performed and logged under actual or simulated instrument conditions, either in flight appropriate to the appropriate category of aircraft for the instrument privileges sought or in an approved flight simulator or approved flight training device that is representative of the aircraft category for the instrument privileges sought —

(i) At least six instrument approaches;

(ii) Holding procedures; and

(iii) Intercepting and tracking courses through the use of navigation systems.

(2) For the purpose of obtaining instrument experience in a glider, performed and logged under actual or simulated instrument conditions —

(i) At least 3 hours of instrument time in flight, of which 1 1/2 hours may be acquired in an airplane or a glider if no passengers are to be carried; or

(ii) 3 hours of instrument time in flight in a glider if a passenger is to be carried.
{q&a-1}

QUESTION: In your cc mail message of September 24, 1997 you asked whether an Instrument Ground Instructor may give training in an approved flight training device or approved flight simulator for the instrument experience required by §61.57(c) and can they also conduct the instrument proficiency check required by §61.57(d) in an approved flight simulator or approved flight training device.

ANSWER: As long as the flight training devices (FTD) and flight simulators (FS) are "approved" for such training and the proficiency check, then the answer is yes on both accounts. My answer is based on the policy interpretation of §61.57(d)(2)(iv), §61.215((c)(1) and (2), and the definition of ground training in §61.1(b)(8). Yes, a IGI may give the training in FS or FTD, but cannot conduct the instrument proficiency check.
{q&a-68}

61.58

QUESTION 1: Situation, I have a designated pilot examiner (DPE) who is qualified in 10 different types of turbine powered airplanes and performs pilot examiner duties in those 10 different types of turbine powered airplanes. How many "demonstrations of competency" must that DPE perform annually to retain his/her DPE authority in those 10 different types of turbine powered airplanes?

ANSWER 1: Ref. § 61.58(a)(1) and (2); I assume you're asking about the § 61.58(a)(1) and (2) PIC proficiency checks, so the answer would be that DPE must:

> "(1) Within the preceding 12 calendar months, complete a pilot-in-command proficiency check in an aircraft that is type certificated for more than one required pilot flight crewmember; and"
>
> > Which means the DPE must take ONE § 61.58 PIC proficiency check in one of the types of turbine powered airplanes within the preceding 12 calendar months.
>
> "(2) Within the preceding 24 calendar months, complete a pilot-in-command proficiency check in the particular type of aircraft in which that person will serve as pilot in command."
>
> > Which means the DPE must take § 61.58 PIC proficiency checks in the other 9 types of turbine powered airplanes within the preceding 24 calendar months.

And additionally, FAA Order 8700.1, chapter 15, page 15-10, paragraph 23.C.(2) which the pertinent portion for this question is printed in **bold print** and states:

> "(2) If an examiner hold multiple authorizations in turbine-powered aircraft requiring a pilot type rating, the annual demonstration should be alternated between those aircraft that require a type rating. **The examiner may not conduct a practical test in any turbine-powered aircraft that requires a pilot type rating unless that examiner has demonstrated competency in that aircraft within the preceding the preceding 24 months**."

So what this means is the DPE must take a § 61.58 pilot-in-command proficiency check in other 9 types of turbine powered airplanes that DPE performs pilot examiner duties in if he/she wants to continue to perform practical tests in those other 9 types of turbine powered airplanes. But that § 61.58 pilot-in-command proficiency check need not necessarily have been performed with that DPE's assigned FAA Aviation Safety Inspector..

QUESTION 2: Same situation, I have a designated pilot examiner (DPE) who is qualified in 10 different types of turbine powered airplanes and performs pilot examiner duties in those 10 different types of turbine powered airplanes. How many "demonstrations of competency" must that DPE perform with the FAA [i.e., FAA Aviation Safety Inspector assigned to supervise that DPE] to retain his/her DPE authority in those 10 different types of turbine powered airplanes?

ANSWER 2: Ref. FAA Order 8700.1, chapter 15, page 15-10, paragraph 23.C.(2); and § 61.58(a)(1) and (2).

This specific question is really answered by the provision contained in FAA Order 8700.1, chapter 15, page 15-10, paragraph 23.C.(2) which the pertinent portion for this question is printed in **bold print** and states::

> "(2) **If an examiner hold multiple authorizations in turbine-powered aircraft requiring a pilot type rating, the annual demonstration should be alternated between those aircraft that require a type rating.** The examiner may not conduct a practical test in any turbine-powered aircraft that requires a pilot type rating unless that examiner has demonstrated competency in that aircraft within the preceding the preceding 24 months."

So what this means is that the DPE must demonstrate pilot examiner competency annually to his/her assigned FAA Aviation Safety Inspector in only ONE of the types of turbine powered airplanes that DPE performs pilot examiner duties in. And then each year after that, ONE annual demonstration of pilot examiner competency demonstration to his/her assigned FAA Aviation Safety Inspector should be alternated between the other 9 types of turbine powered airplanes (e.g., CE-500 first year, CE-560 the second year, the CE-650 the third year, the CE-750 the fourth year, CE-525 the fifth year, etc., etc., etc.).

The emphasis in your question (i.e., "with the FAA Aviation Safety Inspector who supervises the DPE'], this is the only requirement where the pilot examiner competency demonstration must be performed with that DPE's assigned FAA Aviation Safety Inspector. The other provision contained in this paragraph of FAA Order 8700.1 [i.e., paragraph 23.C.(2) "The examiner may

not conduct a practical test in any turbine-powered aircraft that requires a pilot type rating unless that examiner has demonstrated competency in that aircraft within the preceding the preceding 24 months"] means the DPE must be current in accordance with § 61.58(a)(2) but it doesn't necessarily mean that DPE must have accomplished that § 61.58 PIC proficiency check with his/her assigned FAA Aviation Safety Inspector. These additional § 61.58 PIC proficiency checks could have been performed with another DPE, pilot proficiency examiner, or at a Part 142 training center. Only the annual demonstration of pilot examiner competency must be performed with the DPE's assigned FAA Aviation Safety Inspector.

Only the ONE annual demonstration of pilot examiner competency must be performed with the DPE's assigned FAA Aviation Safety Inspector.
{q&a-412}

QUESTION: Per our conversation, the situation is in regard to the requirement for a §61.58 check for a pilot type rated in the BE-1900, which under SFAR 41 was type certificated for one crewmember and the pilot's type rating has the limitation: Second in Command Required.

Since the BE-1900 is not type certificated for more than one crewmember, would the "Second in Command" limitation on the pilot's type rating require that pilot to have a §61.58 PIC check?
ANSWER: Ref. §61.58(a)(1) or (2); Yes, the limitation "Second in Command Required" on the person's BE-1900 type rating would require that person to complete a §61.58 pilot-in-command proficiency check if that person intends to serve as pilot in command in a BE-1900. The "Second in Command Required" limitation on the person's type rating for the BE-1900 type rating does, in effect, mean that the aircraft ". . . is type certificated for more than one required pilot flight crewmember . . ."

This same rationale, also applies to the person who holds a CE-501 or CE-551 type rating where a person's CE-501 or CE-551 type rating contains the limitation "Second in Command Required." In these type ratings where the person's pilot certificate contains the limitation "Second in Command Required" on the CE-501 or CE-551 type rating would require that person to complete a §61.58 pilot-in-command proficiency check if that person intends to serve as pilot in command in a CE-501 or CE-551 where the type rating(s) contains the limitation "Second in Command Required.".

For the type ratings BE-1900, CE-501, CE-551, and similar kinds of aircraft, the "Second in Command Required" limitation is authorized because of the provision contained in paragraph (b) of §61.43. In the "Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules" Final Rule (62 FR 16220-16367; April 4, 1997), the FAA stated:

> "With regard to the demonstration of single-pilot competence listed in proposed paragraph (a)(5), most aircraft that are type certificated for one pilot are currently operated by one pilot. However, some aircraft (e.g., the Cessna Citation 501 and 551) are type certificated for one pilot, but are operated by either one- or two-pilot crews. The FAA realized that some pilots may desire to operate an aircraft type certificated for one pilot with a two-pilot crew. In this situation, the applicant would have the option, contained in proposed paragraph (b), not to demonstrate single-pilot competence, but a limitation would be placed on the applicant's airman

certificate that states a second in command is required. This limitation could later be removed if the pilot demonstrates single-pilot competence. This proposal was consistent with FAA Order 8700.1 regarding aircraft that are type certificated for one pilot, but operated with one- and two-pilot crews. The proposal did not change **regulations** for applicants that apply for a certificate or rating in aircraft that are usually operated by one pilot. These applicants currently are required to demonstrate single-pilot competence during the practical test."
{q&a-403}

QUESTION: Here's a §61.58 PIC question. Mr. Smith is an A-320 captain for United Airlines under Part 121. He also flies a CE-500 part time under Part 91 as a PIC. Section 61.58(a)(2) says he needs to have a §61.58 PIC check in each type aircraft, but §61.58(b) says he's covered since he flies for a Part 121 carrier (i.e., United Airlines), and therefore, wouldn't need a §61.58 PIC check in the CE-500. Which part of § 61.58 is correct in his case?

ANSWER: Ref. §61.58(a)(1) and (2) and (b); Mr. Smith is flying the A-320 under Part 121 and has accomplished a ". . . pilot in command proficiency check . . ." in the A-320. So he meets the requirements of §61.58(a)(1) within the preceding 12 calendar months. But to serve as a PIC in the CE-500 under Part 91, Mr. Smith will have to accomplish a ". . . pilot in command proficiency check . . ." in the CE-500 within the preceding 24 calendar months [i.e., §61.58(a)(2)]. Mr. Smith is not ". . . conducting operations under part 121, 125, 133, 135, or 137 of this chapter, or . . . maintaining continuing qualification under an Advanced Qualification Program . . ." [i.e., § 61.58(b)] when operating the CE-500 as a PIC. He conducting operations under Part 91 when serving as a PIC in the CE-500.
{q&a-381}

QUESTION: Under §61.58(c), it provides that completion of a pilot-in-command proficiency check given in accordance with the provisions of part 121, 125, or 135 of this chapter as satisfying the requirements for the §61.58 PIC check. What is intended where it states in §61.58(c) ". . . pilot-in-command proficiency check given in accordance with the provisions of part 121, 125, or 135 of this chapter . . ." Does it mean just the §135. 293 check? Or does it also include the §135.297 and §135.299 checks for it to meet the requirements of §61.58(c)?

ANSWER: Ref. §61.58(c); In the case of part 135, it means the §135.293 check (i.e., initial and recurrent pilot testing requirements), and the §135.297 check (i.e., pilot in command instrument proficiency check requirements). It does not include the §135.299 check (i.e., pilot in command line check).

In the case of part 121, it means the §121.441 check (i.e., proficiency check). It does not include the §121.440 check (i.e., line check).

And in the case of part 125, it means the §125.287 check (i.e., initial and recurrent pilot testing requirements) and the §125.291 check (i.e., pilot in command instrument proficiency requirements).
{q&a-362}

QUESTION 1: Can a pilot take a 61.58(a) proficiency check (conducted by an FAA Inspector or Designated Pilot Examiner) in a simulator if he(she) has not completed a training

course under Part 142? The scenario would be an individual who has been flying regularly as an aircraft manufacturer's test pilot, corpporate pilot, or FAA pilot and wants to take a 61.58 check in a simulator. He then goes to FlightSafety and asks to rent a simulator from them to take the check. The simulator is qualified by the NSP and is operating under a Part 142 approved training program, however, the pilot has not completed any classroom or simulator training conducted by FlightSafety under Part 142. He has obtained proficiency and prepared for the check through his regular flying duties, either as an aircraft manufacturer test pilot, corporate pilot, or FAA pilot.

Section 61.58(e) says that a PIC proficiency check "may be accomplished in a flight simulator under Part 142 of this chapter". The question really is what "under Part 142" means. Does the simulator have to be operating under a Part 142 approved course, so that it is sure to be a good device for the check, or does a pilot have to pay FlightSafety to go through some sort of PIC Part 142 approved course?

It is clear that the rule allows a pilot to use an aircraft to meet the PIC checking requirements, without any prior training. Can a pilot use a simulator in the same way? I'm not sure what the intent was, when §61.58 was changed to include reference to Part 142.

ANSWER 1: Ref. §61.58(e); As per §61.58(e), ". . . may be accomplished in a flight simulator under part 142 of this chapter, subject to the following. . ." Which means BOTH the §61.58 PIC check and the flight simulator must be under a part 142 approved training program. So the answer is no, a PIC cannot go out and free lance in renting a flight simulator and do a §61.58 PIC check. It has to be accomplished under and in accordance with a part 142 approved training program.
{q&a-321}

QUESTION 1: Situation is the CE-525 is certificated under Part 23 and as such can be flown single pilot by those that have CE-525S type ratings if certain equipment on the airplane works. Should the pilot only have a CE-525 type rating OR certain equipment is inoperative where a copilot must be used, must the copilot meet §61.55 and secondly must the PIC be required to have accomplished a §61.58 check?

ANSWER 1b: Ref. §91.5 and §61.58(a); The answer is yes, the PIC would have to meet the PIC §61.58 qualification requirements. Although I'm quite aware that the verbage in §91.5 only states:

> "No person may operate an aircraft that is type certificated for more than one required pilot flight crewmember unless the pilot in command meets the requirements of §61.58 of this chapter."

Now the question is whether we could get an NTSB Law Judge to rationalize the phrase "that is type certificated for more than one required pilot flight crewmember" means the same as saying "that is operationally type certificated for more than one required pilot flight crewmember." WHO KNOWS! Your guess is as good as mine.

But until we're shot down by an NTSB Law Judge, the FAA's position on these rules [i.e., §91.5 and §61.58(a)] require the PIC to be qualified in accordance with all requirements of §61.58.

QUESTION 2: The question that arises is does the pilot that gets his or her type rating single pilot (CE525S) then meet the §61.58 requirement for having accomplished a proficiency check in accordance with §61.58(d)(2)?

ANSWER 2: Ref. §61.58(d)(2); Yes, provided the practical test was accomplished with an SIC. But no, if the applicant only demonstrated single pilot proficiency on the practical test.

QUESTION 3: Additionally, if a pilot comes through FlightSafety's approved §61.58 recurrent course as a single pilot, does that person or should that person get a §61.58 sign off in accordance with §61.58(a)(1) or (2)? Some concerns on this is that if the recurrent training will not meet the requirements for the §61.58 check some or many pilots will forgo the training. Additionally, if we require a copilot during recurrent to issue the §61.58 sign off then most pilots will opt for that, train as a crew and then go fly single pilot. While at first look these appear to be financial concerns raised by FSI which would have no bearing on our decision a closer investigation reveals them to be real safety issues that could impact training decisions of many pilots.

ANSWER 3: Ref. §61.58(a); Yes, provided the §61.58 PIC check was accomplished with an SIC. But no, if the applicant only demonstrated single pilot proficiency. And no, a checkride accomplished where the applicant only demonstrated single pilot proficiency cannot count for a §61.58 PIC check..
{q&a-211}

QUESTION: Under §61.58(d)(3) it provides that a ". . . initial or periodic practical test required for the issuance of a pilot examiner. . ." may be, in effect, substituted for the pilot-in-command proficiency check required by paragraph (a) of §61.58. Are pilot proficiency examiners also included (i.e., ". . . initial or periodic practical test required for the issuance of a pilot examiner. . . "?

ANSWER: Yes; An initial or periodic practical test required for the issuance of a pilot proficiency examiner (PPE) designation may be substituted for the PIC proficiency check required by §61.58(a). Per §61.58(d)(3), it states:

> (d) The pilot-in-command proficiency check required by paragraph (a) of this section may be accomplished by satisfactory completion of one of the following:
> * * * * *
> (3) The initial or periodic practical test required for the issuance of a pilot examiner or check airman designation, in an aircraft type certificated for more than one required pilot flight crewmember; or
> * * * * *

However, as in the case of §61.58(d)(3) that allows the accomplishment of an initial or periodic practical test required for the issuance of a designated pilot examiner (DPE) authorization to count for the PIC proficiency check required by §61.58(a), the pilot proficiency examiner (PPE) must also demonstrate PIC proficiency to ATP standards and a FAA Form 8410-1 must be completed. This requirement to require demonstration of PIC proficiency to ATP standards and

a FAA Form 8410-1 be completed also applies to DPEs. Otherwise, what I'm saying it is not permissible to just allow a DPE or PPE to sit in the right seat evaluating an applicant and never touch the controls. That is not adequate for meeting the requirements of §61.58(d)(3). Now I am not suggesting that a DPE or PPE would need to show PIC proficiency on all the maneuvers and procedures required for the PIC proficiency check required by §61.58(a). But certainly it would require the DPE and PPE to at least demonstrate a combination of PIC proficiency and examiner competency on all the maneuvers and procedures required for the pilot-in-command proficiency check required by §61.58(a). An example of what I mean by ". . . a combination of PIC proficiency and examiner competency on all the maneuvers and procedures . . ." would be on the §61.58 PIC proficiency check requires a PIC to demonstrate proficiency the maneuvers "Holding," "Steep Turns," "Approach to stalls," "Landings from an ILS," etc. So what I am saying, it is permissible to observe the DPE or PPE demonstrate PIC proficiency on certain of those maneuvers and then the other maneuvers you may evaluate the DPE or PPE serving as an examiner conducting a practical test of an applicant.
{q&a-185}

61.59

QUESTION: Is the lamination of a certificate issued by the FAA considered an alteration?

ANSWER: Ref. §61.59(a)4); No. The lamination of a certificate issued under part 61 (14 CFR part 61) is not considered an alteration. Letter of legal interpretation from the FAA's Office of Chief Counsel addressing this question is as follows:

Mr. James R. Knight II
Aviation Technical Specialist
Aviation Services Department
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701-4798

Dear Mr. Knight:

This is in response to your letter dated November 8, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding section 61.59(a)(4) (14 CFR section 61.59(a)(4)). Specifically, you ask whether the lamination of a certificate issued by the FAA would be considered an alteration.

Section 61.59(a)(4) states, in pertinent part, that a person may not make or cause to be made any alteration of any certificate, rating, or authorization under this part.

The lamination of a certificate issued under part 61 (14 CFR part 61) is not considered an alteration. A person may laminate his or her pilot certificate, after he or she signs the pilot certificate, without violating section 61.59(a)(4).

I hope this satisfactorily answers your question.
Sincerely,
Donald P. Byrne, Assistant Chief Counsel. Regulation Division
{q&a-369}

61.60

QUESTION: Per §61.60 a change in permanent mailing address requires written notification of the new permanent mailing address within 30 days to the FAA, Airman Certification Branch. May a person notify the FAA's Airman Certification Branch by e-mail via the Internet and, if so, does that meet the requirements of §61.60 for notification made "**in writing**?"

ANSWER: Ref. §61.60; Yes. Airman Certification Branch management agrees that notifying the FAA by e-mail via the Internet meets the requirements of §61.60. The Internet address to notify the FAA's Airman Certification Branch about a change in their permanent mailing address is:

http://registry.faa.gov/

At that site, you'll find a form that may be completed to notify the FAA of a change in permanent mailing address. Other customer services and information may be found at this site.
{q&a-363}

QUESTION 5: Why is the wording in §61.35(a)(2)(iv) worded like:

"(iv) Actual residential address, if different from the applicant's mailing address,"

but §61.29(d)(2) is worded like:

"(2) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;"

and §61.60 is worded like:

§ 61.60 Change of address. The holder of a pilot, flight instructor, or ground instructor certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the certificate unless the holder has notified in writing the FAA, Airman Certification Branch, P.O. Box 25082, Oklahoma City, OK 73125, of the new permanent mailing address, or if the permanent mailing address includes a post office box number, then the holder's current residential address.

The reason the questions was asked is because some flight instructors are police officers, DEA Agents, or FBI who do not give out there resident address.

ANSWER: We will reword §61.35(a)(2)(iv) to read as follows:

(iv) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;
{q&a-33}

61.63

QUESTION: A pilot comes to FlightSafety and does not qualify for a 100% simulator ride, which would result in a clean certificate under 14 CFR §§ 61.63(e)(4)(ii) and 61.157(g)(3)(ii).

Therefore he or she completes the 100% ride in a simulator and receives the rating or certificate with rating, with the 15 or 25 hour SOE limitation. Let's say it is in a CE-500.

The person in question then does not fly the required 15 or 25 hours of SOE to remove the restrictions but rather goes through another 100% simulator turbojet type rating course. Let's say a CE-650. Again the person does not meet the requirements for the 100% check except this time he or she produces the CE-500 type rating with the SOE limitation and suggests that he now qualifies for the 100% check under 14 CFR § 61.63(e)(4)(ii)(A).

The question is, does the applicant actually qualify to take the 100% check in a simulator, and then receive a clean CE-650 type rating (meaning without any S.O.E limitations)? If the answer is yes, they could then go back and take a CE-500 recurrent or if all of this was done within 60 days of completion of the original CE-500 training course just take another CE-500 checkride and have both types clean (meaning without any S.O.E limitations).

I know I have asked this question before and the answer was no. This is circumventing the intent of the regulation. The question has reappeared and I cannot put my hands on anything in writing. Can you help?

An additional fact is that AFS 200 has ruled that because of the wording in 14 CFR §135.338(c) a person with a type rating with SOE limitation may not instruct in Part 135.

This is creating a problem for FSI since they are having a problem getting the SOE removed. It is easier, (and I think cheaper) for them to just send a person through the second type rating course.

I have looked in the bulletins but if I missed it forgive me. I don't think there is anything written on it and if not I would suggest it might qualify for a bulletin in FAA Order 8700.

ANSWER: Ref. §§ 61.63(e)(4)(ii)(A) and 61.157(g)(3)(ii)(A). The intent of ". . . Hold a type rating for a turbojet airplane of the same class of airplane for which the type rating is sought . . ." in subparagraph (A) in §§61.63(e)(4)(ii) and subparagraph (A) in 61.157(g)(3)(ii) requires that the type rating be clean (meaning without any S.O.E limitations). The applicant does not qualify under §§ 61.63(e)(4)(ii)(A) or under 61.157(g)(3)(ii)(A) to take a 100% practical test in a simulator for the CE-650 type rating.
{q&a-399}

QUESTION: I'm a CFII who has been approached by a prospective student...he presently holds a commercial pilot certificate with helicopter, instrument helicopter, and ASEL, (private pilot privileges) ratings. He wants to add an instrument-airplane and commercial single

engine land ratings to the certificate. I know that regarding the instrument rating he does not have to take another written exam. However does he have to take a written exam for the addition of the commercial ASEL rating. Also does he have to complete all of the required aeronautical experience requirements (i.e. cross country, etc.) that would be required if he only held a private pilot certificate and was preparing for these ratings?

ANSWER: Ref. §61.63(b) and §61.65(a); Your answer is addressed in §61.63(b) and §61.65(a). The person is merely seeking to add an additional aircraft category rating to his pilot certificate and an additional instrument rating.

No, he does not have to take the Commercial Pilot-Airplane knowledge test [i.e., §61.63(b)(5)].

No, he does not have to take the Instrument-Airplane knowledge test [i.e., §61.65(a)(7)].

Yes, he has to complete the aeronautical experience requirements of §61.129(a). Specifically, these are the required aeronautical experience requirements that must be met:

An additional Airplane category rating for the Single Engine class rating at the Commercial Pilot Level:

Total time: At least 250 hours of flight time as a pilot that consists of at least:

A) 100 hours in powered aircraft, of which 50 hours must be in airplanes.

B) 100 hours of pilot-in-command flight time, that includes at least--
1) 50 hours in airplanes; and
2) 50 hours in X-C flying of which at least 10 hours must be in airplanes.

C) Dual: 20 hours of flight training on the Commercial Pilot areas of operation that includes at least--
1) 10 hours of instrument training of which at least 5 hours must be in a single engine airplane;
2) 10 hours of training in a complex airplane;
3) 1 X-C of at least 2 hours in a single engine airplane in day VFR conditions;
4) 1 X-C of at least 2 hours in a single engine airplane in night VFR conditions; and
5) 3 hours of flight training in a single engine airplane within the <60 days prior to the practical test.

D) Solo: 10 hours of solo flight in a single engine airplane on the Comm. Pilot areas of operation, that includes--
1) At least 1 X-C flight; and
2) At least 5 hours in night VFR conditions with 10 T/O's and Ldgs at a controlled airport.

{q&a-328}

QUESTION: I have a situation where a foreign pilot who holds the following U.S. restricted Commercial Pilot Certificate and ratings has completed a Part 142 training center's HS-125 type rating course.

Commercial Pilot
Airplane Single Engine Land
Airplane Multiengine Land
Issued on the basis of and valid only when accompanied by, Canadian pilot license number 1234567. All limitations and restriction on the Canadian pilot license apply. Not valid for the carriage of persons or property for compensation or hire or for agricultural aircraft operations.

Additional information is this foreign pilot holds a Canadian ATP certificate with an airplane single engine and multiengine land rating and instrument airplane privileges.

This training center's HS-125 type rating course has the required instrument training in it, and the applicant did complete the instrument portion of this HS-125 type rating course and did complete the type rating practical test and all the instrument tasks were administered and passed by the applicant. However, the applicant did not have an instrument rating on his U.S. restricted Commercial Pilot Certificate nor had he taken the Instrument-Airplane knowledge test or the Instrument Foreign Pilot knowledge test.

The certificate that was re-issued along with HS-125 type rating to read as follows:

Commercial Pilot
Airplane Single Engine Land
Airplane Multiengine Land (VFR Only and U.S. Test Passed)
HS-125 (VFR Only and U.S. Test Passed)
Issued on the basis of and valid only when accompanied by, Canadian pilot license number 1234567. All limitations and restriction on the Canadian pilot license apply. Not valid for the carriage of persons or property for compensation or hire or for agricultural aircraft operations.

Is it permissible to have issued the pilot certificate that way (i.e., VFR only) since doesn't §61.63(d)(1) require that the applicant to ". . . . hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class, or type rating sought . . . ?"

ANSWER: Ref. §61.63(d)(1); No, it was not permissible to have issued the pilot certificate that way. The applicant would have had to hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class, or type rating sought, as per §61.63(d)(1). And secondly, since the applicant elected to have the rating placed on his US restricted Commercial Pilot Certificate, the HS-125 type rating should have only been issued for PRIVATE PILOT PRIVILEGES [i.e., §61.75(a)].

Since the applicant elected to have the rating placed on his US restricted Commercial Pilot Certificate, then as per §61.63(d)(1) the applicant should have been required to ". . . . hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class, or type

rating sought . . . ." The applicant should have been required to take the Instrument-Airplane knowledge test and completed all requirements of the Instrument Rating PTS or take the Instrument Foreign Pilot knowledge test and have the Restricted Certificate reissued with the instrument rating (based on his foreign instrument rating) prior to making application for the HS-125 type rating.

However, because this applicant held a Canadian ATP certificate and instrument privileges he was eligible to take the ATP-Airplane knowledge test and then to have made application for an unrestricted US ATP certificate per §61.153(d)(3) and take the practical test for the ATP-Airplane-Multiengine Land and HS-125 type rating.

I believe this mistake was more the responsibility of the training center and the FAA than it was the applicant's fault. In order to fix the situation now, I recommend that you or the training center contact the applicant, have him take the ATP-Airplane knowledge test and, since the HS-125 type rating practical test is the same as the ATP practical test, don't make him retake the practical test. I will talk to AFS-760 to insure the applicant's file gets handled properly.
{q&a-312}

QUESTION 1: I have reviewed §61.39(c)(2), and I do not see where there is prerequisite requirement that an applicant for a type rating must FIRST hold an Airplane Multiengine Land class rating before he/she is eligible to take the type rating practical test in a CE500 (i.e., airplane that requires a type rating)? There appears to be some disagreement on this requirement with our folks here. Is this new PTS change now correct?

Here is the situation and question from an examiner who conducts type rating practical tests.

"An applicant who holds a Commercial Pilot Certificate, Airplane-Single-Engine Land Rating, Instrument-Airplane Rating. The applicant wants to make application for an add-on Cessna Citation type rating at the Commercial Pilot Level. Must the applicant FIRST hold an Airplane Multiengine Land class rating before he is eligible to take the type rating practical test in a Cessna Citation?"

The examiner said, he was told by the FSDO that the applicant must FIRST hold an Airplane Multiengine Land class rating before he can be eligible for the type rating practical test. This was because the reference in the ATP/Type Rating PTS, dated August 1998, page 7, item #3 (before the change), indicates so. The examiner now has a copy of the change #1 to the PTS.

ANSWER: §61.63(d) and §61.39(a); The answer is no, the applicant does not need to hold an Airplane Multiengine Land class rating to be eligible for the CE500 type rating practical test. The reference made in the ATP/Type Rating PTS, dated August 1998 on page 7, item No. 3 is wrong. Item No. 3 should be deleted entirely. The way we revised §61.129(b), it is permissible for an applicant to receive their initial Commercial Pilot Certificate for an Airplane category rating and Multiengine Land class rating in a CE-500.
{q&a-263}

QUESTION: There is a situation where an applicant is applying for SK61 (Sikorsky S-61 helicopter) type rating for VFR privileges only? This particular SK-61 helicopter is not

capable of performing instrument maneuvers and procedures. The applicant only holds a Commercial Pilot Certificate with Rotorcraft-Helicopter rating. The applicant does not hold an instrument rating. In reading §61.63(d)(1), it states "Must hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class, or type rating sought." Does this mean the applicant must obtain a Instrument-Helicopter rating prior to making application for the SK-61 type rating?

ANSWER: Ref. §61.63(h); No, the applicant need not comply with §61.63(d)(1) because as it states in §61.63(h)(1) an applicant may obtain a type rating limited to "VFR only" provided the aircraft is not capable of instrument maneuvers and procedures. And as per §61.63(h), it states:

> (h) Aircraft not capable of instrument maneuvers and procedures. An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures required by the appropriate requirements contained in §61.157 of this part for the practical test may--
>
> (1) Obtain a type rating limited to "VFR only"; and

The rationale in the change in policy on this matter is that this kind of question has been asked on several occasions where it was argued that the FAA's policy on this matter did not make sense because it was not reasonable to require the applicant to obtain an Instrument-Helicopter rating in a R-22, then make the applicant go obtain a type rating in a VFR only SK-61 when the applicant is only seeking a SK-61 (VFR Only) type rating in the first place. The FAA's Certification Branch, AFS-840, that establishes the policy on such matters of Part 61 has determined that a change in policy is justified. AFS-840 further justifies its change in policy on this matter in that the way paragraph (h) of §61.63 is structured in the overall structure of §61.63. It's a separate paragraph all in itself. The FAA is currently drafting some additional revisions to Part 61 to further refine the rules that were revised on August 4, 1997. Section 61.63(d)(1) is being revised to clarify that §61.63(h) permits the issuance of a VFR only type rating in an aircraft that is not capable of performing instrument flight and the applicant would not need to hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class, or type rating sought first before seeking a VFR only type rating.

However, this same rationale is not being considered for the initial application for the ATP certificate where an applicant is concurrently applying for a type rating. The current requirement, as required by §61.157(b)(3) only permits the issuance of a VFR only type rating at the ATP level if ". . . THE AIRCRAFT'S TYPE CERTIFICATE makes the aircraft incapable of operating under instrument flight rules. . ." This is different than how §61.63(h) is worded [i.e., ". . . who provides an aircraft not capable of the instrument maneuvers and procedures]. Per §61.153(d), the prerequisite eligibility requirements for applying for an ATP certificate requires:

> (d) Meet at least one of the following requirements:
>
> (1) Hold at least a commercial pilot certificate and an instrument rating;
>
> (2) Meet the military experience requirements under §61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or

(3) Hold either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation.

So §61.153(d) requires that the person who applies for the ATP certificate initially would be required to hold
". . . an instrument rating . . . or ". . . an instrument rating if the person is a rated military pilot or former rated military pilot . . ." or ". . . foreign airline transport pilot or foreign commercial pilot license and an instrument
rating . . ." Otherwise, the provision of §61.157(b)(3) [i.e., ". . . Must perform the practical test in actual or simulated instrument conditions, unless the aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules. If the practical test cannot be accomplished for this reason, the person may obtain a type rating limited to "VFR only."] only provides for an additional type rating at the ATP certificate level.
{q&a-152} [Replacement of original q&a-152]

I would appreciate your thoughts on the following conclusions that I have drawn regarding the conduct of training and checking in FTD/Simulators.

ASSUMPTION: The FTD/Simulator in question is approved by the FAA for all maneuvers. §61.63(e)(3) stipulates that in order to use a simulator or FTD it must be in accordance with an approved course at a training center under Part 142. §61.63(e)(4) goes on to say that if you want to complete "ALL" training and testing in a simulator/FTD the simulator must be level C or D. Basically, as I read §61.63 (additional rating other than ATP), a simulator/FTD cannot be used at all (for any part) of training or testing unless it is in a Part 142 program. (I know that Parts 121 and 141 stand alone and are not discussed here). Conversely, §61.157(g) stipulates that in order to use a simulator/FTD to accomplish "ALL" training and tests it must be used under, and be a part of, a Part 142 training center.

QUESTION: An applicant wants to get a B737 type rating added to his ATP certificate. He wants to use a B737 simulator fully approved by the National Sim Team (FAA) and only use this simulator for the maneuvers allowed by the ATP practical test standards (FAA-S-8081-5C). According to the practical test standards this person would only have to use an actual B737 airplane for the maneuvers in section VI A,B,C,D,F of the appendix.

So, how come if a pilot is adding a type rating (B737) to his commercial certificate and wants to use a simulator, the simulator must be part of, and used under, a Part 142 course? I ask this question because the language of §61.157 only requires that the simulator be part of a Part 142 course if the applicant wants to use the simulator for "ALL" training and testing. It seems as if the standards/requirements for adding a type rating to an ATP are less than those of adding a type rating to a commercial certificate.

One last comment. If the applicant has to go to the airplane for part of the training and testing because he does not meet certain requirements specified in §61.157, he must complete those maneuvers identified in §61.157 (g)(7)(i). This course of action results in a limitation on his certificate. However, if this same applicant just uses the practical test standards he can complete all but those few maneuvers, listed in VI of the PTS, in a Level B simulator (approved by the

FAA). {Interestingly, the maneuvers he must do in the airplane (listed in section VI of the PTS) are different than those specified in §61.157(g)(7)(i)}. But, more importantly, since this applicant did not participate in a Part 142 course he would not have any limitation on his certificate. Again, all this stems from the language construction differences between §61.63 and §61.157 with respect to the word "ALL" and whether or not using a simulator/FTD requires that its use be part of a Part 142 program.

What I have just said above, is somewhat complex. I don't blame you if it is hard to follow. Perhaps it was intended that for the purposes of simulator/FTD use, §61.63 and §61.157 are the same. However, a close reading of the language points out the issues I have described above. Also, the PTS seemingly allows an individual to rent a simulator (e.g. level B) from an airline or training center, have an "authorized instructor" provide some training, comply with the endorsement requirements of §61.157 (b), and then accomplish all of the type rating check (except those maneuvers listed in section VI of the PTS appendix) in the simulator. When this is done, the same applicant would take this same instructor and rent a B737 airplane to finish the training and checking on those few items identified in Section VI of the PTS appendix. I know its hard to rent a B737, but the same principles would apply with a citation, for example.

ANSWER: Ref. §61.63(e)(4) or §61.157(g)(3)(i), as appropriate; First of all in regards to your assumptions, §61.63(e)(4), states, in pertinent part, ". . . To complete all training and testing . . ." Otherwise, this means if you're intending to use a flight simulator to conduct ". . . ALL training and testing . . ." then it must be in a Level C or D flight simulator. If the applicant is not intending to conduct ". . . ALL training and testing . . ." in a flight simulator, then the applicant may perform some of the training and testing in other than a Level C or D flight simulator and some in the aircraft. However, in this situation, the tasks required to be performed in the aircraft are at least preflight inspection, normal takeoff, normal ILS approach, missed approach, and normal landing [i.e., in accordance with §61.63(e)(9)(i) or §61.157(g)(7)(i), as appropriate]. Additionally, what training tasks and testing tasks can be performed in a flight simulator or flight training device will be so stated in a letter of qualification from the National Simulator Team, AFS-205. And then the Training Center Program Manager, in accordance with the National Simulator Team's letter of qualification, approves the individual maneuvers that can be performed in the Part 142-approved training program.

Second assumption, in accordance with §142.1(c), the answer is no, your statement ". . . an individual rents a simulator (e.g. level B) from an airline or training center . . ." is not permissible. If an individual wants to utilize a flight simulator or flight training device for training and testing, it must be accordance with a Part 142-approved training program. Or in the case of a Part 121 or Part 135 air carrier training program, that person must be pilot employee of that air carrier.

Third assumption, "The FTD/Simulator in question is approved by the FAA for all maneuvers" is not correct. In accordance with §61.63(e)(4)(i) [or §61.157(g)(3)(i), as appropriate], ". . . The flight simulator must be qualified and approved as Level C or Level D . . ." and the applicant would have to meet the aeronautical experience requirements §61.63(e)(4)(ii) [or §61.157(g)(3)(ii), as appropriate]. An FTD cannot be approved for all maneuvers.

Fourth assumption, your statement "He wants to use a B737 simulator fully approved by the National Sim Team (FAA) and only use this simulator for the maneuvers allowed by the ATP practical test standards (FAA-S-8081-5C)" is not entirely correct. The way its works is the National Simulator Team, AFS-205 qualifies what training tasks and testing tasks can be performed in a flight simulator or flight training device. And then the Training Center Program Manager, in accordance with the National Simulator Team's letter of qualification, approves the individual maneuvers that can be performed in the Part 142-approved training program.

Fifth assumption, your statement "I ask this question because the language of §61.157 only requires that the simulator be part of a Part 142 course if the applicant wants to use the simulator for "ALL" training and testing" is correct if ". . . The flight simulator must be qualified and approved as Level C or Level D . . ." [i.e., §61.63(e)(4)(i) or §61.157(g)(3)(i), as appropriate].

As for your statement, "Interestingly, the maneuvers he must do in the airplane (listed in section VI of the PTS) are different than those specified in §61.157(g)(7)(i)", the rule §61.157(g)(7)(i) ALWAYS prevails. Whenever there is a difference between the verbiage in the PTS and the Federal Regulations, the Federal Regulation will always prevail. AFS-840 is working with AFS-630 to change the PTS.
{q&a-233}

QUESTION 2: Ref. §61.63(c)(4); Situation is I have an application that has been returned from Airmen Records on an applicant who is seeking an additional class rating (airplane multiengine land) onto the applicant's existing Private Pilot certificate. The examiner stated the person's application failed to show the required solo cross country time. I thought §61.63(c)(4) only required that the amount of training and kind of training was determined by the instructor and the aeronautical experience/training was whatever was needed to prepare the applicant for the practical test. The Airmen Records examiner indicated that the applicant had to meet the training requirements of §61.109(b)(3) and (4). Is this true?

ANSWER 2: No, the applicant does not need to meet the aeronautical experience requirements of §61.109(b)(3) and (4). The person already holds a Private Pilot Certificate with an airplane single land rating. Section 61.63(c)(4) states:

> "(4) Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought unless the person holds a lighter-than-air category rating with a balloon class rating and is seeking an airship class rating and

The key phrase here is "Need not meet the specified training time requirements . . ." Otherwise, the only aeronautical experience/training required is determined by the instructor. And, the aeronautical experience/training required is that what the instructor has determined is needed to prepare the applicant for the practical test. The rationale behind this, besides §61.63(c)(4) provides for it, is this person already holds a Private Pilot Certificate with an airplane single engine land rating and is only seeking an airplane multiengine land class rating which is in the same aircraft category as the single engine land airplane.
{q&a-218}

QUESTIONS: ADDING CLASS RATING - WHEN IS A §61.31(d)(2) ENDORSEMENT IS REQUIRED? The situation is, I have an applicant who is applying for an add-on airplane multiengine land rating (add-on aircraft class rating) at the commercial pilot level. The applicant holds a commercial pilot certificate with an airplane single engine land rating and an instrument-airplane rating. The applicant is going to have to fly solo from the airport where the airplane is located to another airport to meet the examiner who will conduct the practical test.

REFERENCE FOR ANSWERS: §61.31(d)(3) states:

(d) Aircraft category, class, and type ratings: Limitations on operating an aircraft as the pilot in command. To serve as the pilot in command of an aircraft, a person must--
* * * * *
(3) Have received training required by this part that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

QUESTION 1: As per §61.31(d)(3), does the applicant have to ". . . have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft. . . . " even if during the training the applicant always had the instructor on board?

ANSWER 1: Yes; and the endorsement required would cite §61.31(d)(3). The instructor must make an endorsement in the applicant's logbook similar to the following:

> I certify that I have given Mr./Ms. (<u>First name, MI, last name</u>) flight training in the area of operations required to serve as pilot in command in a (<u>category and class of aircraft</u>) and find him/her proficient to act as pilot-in-command in solo flight per §61.31(d)(3) in that category/class of aircraft.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

NOTE: The endorsement does not have to read exactly like this. This is merely an example.

QUESTION 2: Does the applicant need to have received the required solo training and endorsements, as per §61.87, even if during the training the applicant always had the instructor on board?

ANSWER 2: No to citing §61.87 (it does not apply) but yes an endorsement is required. The endorsement required would cite §61.31(d)(3) as in Answer 1 above. Section 61.87 is the solo endorsement for student pilot operations only. Section 61.87 has nothing to do with applicants seeking additional aircraft category and class ratings. This applicant holds a Commercial Pilot Certificate.

QUESTION 3: If the flight to where the examiner is located is more than 25nm, does the applicant have to have received the required solo cross country training and endorsements, as per §61.93, even if during the training the applicant always had the instructor on board?

ANSWER 3: No to citing §61.93 (it does not apply) but yes an endorsement is required. The endorsement required would cite §61.31(d)(3) as in Answer 1 above. Section 61.93 is the solo cross country endorsement for student pilot operations only. Section 61.93 has nothing to do with applicants seeking additional aircraft category and class ratings. This applicant holds a Commercial Pilot Certificate.

QUESTION 4: Per §61.47(b), it says the examiner is not the PIC. Does the applicant have to have received the required solo training and endorsements, as per §61.87, even if during the training the applicant always had the instructor on board?

ANSWER 4: Again, §61.87 does not apply. For your scenario requiring a solo flight from one to another airport the endorsement cited in my Answer 1 above would be required. If no solo flight were involved to get to the examiner, the endorsement would not really be required since §61.31(k)(2)(i) exempts applicants from the requirements of section §61.31 when taking a practical test given by an examiner. This allows the applicant to act as pilot-in-command during the practical test.

QUESTION 5: Now I know you all are going to ask me one more WHAT IF question. WHAT IF, an instructor wants to authorize his applicant for an airplane multiengine land additional rating to fly solo during the person's training. In this WHAT IF scenario, what kind of an endorsement and training is needed to permit a certificated pilot who does not hold a class rating in a specific aircraft to perform a solo flight? As an example, an applicant is seeking an add-on airplane multiengine land rating (add-on aircraft class rating) at the commercial pilot level. The applicant holds a Commercial Pilot certificate with an airplane single engine land rating and an instrument-airplane rating. In this WHAT IF scenario, the instructor wants to authorize his applicant to fly solo during the training.

ANSWER 5: Reference §61.63(c), in pertinent part, it states:

(c) Additional class rating. Any person who applies for an additional class rating to be added on a pilot certificate:
* * * * *
(2) Must have an endorsement in his or her logbook or training record from an authorized instructor, and that endorsement must attest that the applicant has been found proficient in the areas of operation appropriate to the pilot certificate for the aircraft class rating sought;
* * * * *
Plus, of course, our reference to §61.31(d)(3) as shown above.

Therefore, the training needed would be training on whatever area(s) of operation and task(s) the instructor intends to permit the applicant to perform during the solo flight. As an example, the instructor wants to authorize his applicant to perform a solo cross country flight in a Cessna 310 from the Nashville International Airport (BNA) in Nashville, TN to the General Dewitt Spain (M01) Airport in Memphis, TN and return. The training needed is the training on the Areas of

Operation (e.g., III. Airport Operations; IV. Takeoffs, Landings, and Go Arounds; and VI. Navigation, etc.). As a minimum per §61.31(d)(3), the only endorsement required is the solo endorsement for answer 1:

> I certify that I have given Mr./Ms. (First name, MI, last name) flight training in the area of operations required to serve as pilot in command in a (category and class of aircraft) and find him/her proficient to act as pilot-in-command in solo flight per §61.31(d)(3) in that category/class of aircraft.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

However, a prudent flight instructor MAY WANT to place operating limitations on their applicant to read as follows:

> I certify that I have given Mr./Ms. (First name, MI, last name) flight training in the area of operations required to serve as pilot in command in a (category and class of aircraft) and find him/her proficient to act as pilot in command in that category/class of aircraft on a solo cross country flight from BNA to M01 on June 30, 1998 provided the weather conditions are not less than a 3000' ceiling and 5 miles visibility for daytime operating conditions only.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

NOTE: The endorsement does not have to read exactly like this. This is merely an example.

The reason the instructor MAY WANT to place such operating limitations on their applicant in this WHAT IF scenario is because once that person has received a PIC endorsement, that person is legal to fly anywhere on that PIC endorsement.

Does the FARs require the applicant to receive training to and from the airports before permitting the applicant to fly solo from the Nashville International Airport (BNA) in Nashville, TN to the General Dewitt Spain (M01) Airport in Memphis, TN? The answer is no, the FARs do not. However, a more appropriate answer would be to say if I were that applicant's instructor I would require it. But there are no regulatory requirements that require it. And as an FAA Aviation Safety Inspector, I certainly would advise an instructor on my views on the question of permitting a non-rated applicant to fly solo without first being given specific training to and from the airports. But I realize my answer is only one opinion and each situation is different and unique! {q&a-188}

QUESTION 1: Given an applicant for Lighter-Than-Air, Balloon (LTA-B) who is rated, as a Commercial Pilot, in Airplanes, Helicopters, or Gliders. §61.129(h)(4) requires -

> "10 hours of flight training that includes at least 10 training flights in balloons on the areas of operation listed in §61.127(b)(8) of this part,...."

Does an applicant for a Commercial LTA-B have to be tested on the applicable portions of the Private LTA-B during the Practical Test?

ANSWER 1: No; Per §61.123(h), the person only needs to hold a private pilot certificate. The rule doesn't require the applicant to have it in a balloon rating. It just has to hold a private pilot certificate. But in your example, you indicate your applicant is already a commercial pilot. So all the applicant is doing is adding an additional aircraft category rating to his commercial pilot certificate. In that case, §61.63(b) applies. Additionally, per §61.127(b)(8), the training given will be at the commercial pilot level only. Therefore, the applicant will be tested at the commercial pilot level only.
{q&a-179}

QUESTION: We were asked the following questions by a person who has a commercial pilot certificate with ASEL, AMEL, and Instrument Rating. Reference §61.31(e)(2)(iii).

(1) I am building a gyrocopter. What kind of authorization do I need to fly it?

(2) How can I get a gyrocopter rating added to my pilot certificate?

I talked to a Ben Owens at EAA Headquarters. He indicated that the above referenced regulation would allow the person building the gyrocopter (I believe they are called gyroplanes) to fly it with only an authorization from this office. However, he pointed out AC 20-27D, Append 9, Para 9, Sample List of Operating Limitations which require a Category/Class Rating OR a letter of authorization from this office. He felt that most FSDOs were requiring the individual to have the category/class rating before flying it. How do you folks feel???

As regards question (2), I discovered an organization called the "Popular Rotorcraft Association" which apparently has several gyroplane instructors and pilot examiners around the states that could give training and a checkride in a gyroplane. Is this the best way to go for this person building this "gyrocopter??"

ANSWER: Ref. §61.31(k)(2)(iii) and §61.63(b); In accordance with §61.31(k)(2)(iii), I assume this gyrocopter is " . . . operating an aircraft under the authority of an experimental or provisional aircraft type certificate . . ."

If so, this person already has the authority to operate the aircraft as far as having the required pilot certificate, because you said the person holds a commercial pilot certificate. But additionally, the person must comply with the conditions and limitations that are contained on his aircraft's experimental or provisional aircraft type certificate.

Now, if the person seeks to add a rotorcraft-gyroplane rating onto his pilot certificate, the rule that applies here is §61.63(b).
{q&a-159}

QUESTION 1: Ref. §61.63(b)(1) and §61.129(c)(2)(i); Situation is an applicant holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. Does the applicant have to show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i)?

ANSWER 1: Ref. §61.129(c)(2)(i); Yes, the applicant must show 35 hours of PIC time in helicopters to be eligible for a helicopter rating at the commercial pilot level.

§61.129(c)(2)(i) states:

(c) For a helicopter rating. Except as provided in paragraph (i) of this section, a person who applies for a commercial pilot certificate with a rotorcraft category and helicopter class rating must log at least 150 hours of flight time as a pilot that consists of at least:

* * * * *

(2) 100 hours of pilot-in-command flight time, which includes at least--

(i) 35 hours in helicopters; and

* * * * *

§61.63(b)(1) states:

(b) Additional category rating. An applicant who holds a pilot certificate and applies to add a category rating to that pilot certificate:

(1) Must have received the required training and **possess the aeronautical experience prescribed by this part that applies to the pilot certificate for the aircraft category and, if applicable, class rating sought**;

{q&a-146}

QUESTION 1: The situation is our organization has a DC-3 that is instrument flight capable. However, we have customers who want to use our airplane to get a DC-3 type rating, but they only want a VFR limited type rating. Is this possible?

ANSWER 1: Reference §61.63(h). No, if the aircraft is ". . . capable of the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part . . ." then the applicant must be tested.

Now, if the aircraft is NOT capable of performing the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part then the applicant may obtain a type rating limited to VFR.

Per §61.63(h) it states, in pertinent part,

"(h) Aircraft not capable of instrument maneuvers and procedures. An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part for the practical test may--

(1) Obtain a type rating limited to "VFR only"; and"

QUESTION 2: Similar situation but slightly different. The situation is our organization has a DC-3 that is NOT instrument capable because the airplane's slip-skid indicator and gyroscopic pitch and bank indicator (artificial horizon) is inoperative. But the aircraft's type certificate does permit instrument flight. May the airplane be used to get a DC-3 type rating limited to VFR?

ANSWER 2: Reference §61.63(h). Yes; In this situation, the applicant could take the practical test and receive a DC-3 type rating with a VFR limitation.

{q&a-105}

QUESTION: The situation is an applicant holds a Commercial Pilot Certificate with an airplane single engine rating. The applicant is now applying for a rotorcraft-helicopter rating, but only at the private pilot certificate level. Does the applicant have to take the Private Pilot-Rotorcraft Helicopter knowledge test since he is only going for a helicopter rating at the private pilot certificate level?

ANSWER: No; But we agree we should have worded §61.63(b)(5) better. We should have put the words ". . .or lower" at the end of §61.63(b)(5).

Per §61.63(b)(5), it states: "Need not take an additional knowledge test, provided the applicant holds an airplane, rotorcraft, powered-lift, or airship rating at that pilot certificate level."
{q&a-99}

QUESTION 10: §61.63 does not require an applicant for an additional rating to be able to "read, speak, write, and understand the English language." Which means a person who cannot read, speak, write, and understand the English language could obtain additional ratings on their existing certificate.

ANSWER 10: We agree that we should have put that requirement in the §61.63. However, common sense would say that a person who cannot continue to read, speak, write, and understand the English language does not meet the original certification requirements for their certificate and thus would no longer qualify for the pilot certificate.
{q&a-30}

QUESTION: Does an applicant for an added class rating have to meet the cross-country requirements
etc., in 61.129(b)?

ANSWER: Review §61.63(c)(4) which states:

(4) Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought unless the person holds a lighter-than-air category rating with a balloon class rating and is seeking an airship class rating; and

For example, let's take a holder of a commercial pilot certificate with an airplane single engine class rating and that applicant seeks to add an airplane multiengine class rating. Therefore, "simply put" the student is given training on the areas of operation of §61.127(b)(2) and given an endorsement and then goes before an examiner. So, "simply put" and as the rule states, the applicant "Need not meet the **specified training time** requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought . . "
So, for example the applicant does not even have to look at §61.129 nor does the examiner have to look at §61.129 nor does the FSDO even have to look at §61.129 nor does AFS-700 have to look at §61.129.
{q&a-49}

QUESTION 2: RE: 61.63(c)(4) -- Does "need not meet the specified training time requirements" mean the only that portion of the experience requirements involving dual

instruction? Must an applicant for an additional class rating also meet the provisions of 61.109(a)(5) or (b)(5), or 61.129(a)(4) or (b)(4), regardless? For instance, if I hold a COM'L AMEL only (many military pilots do) and apply for a COM'L ASEL, must I comply with the single engine solo provisions of 61.129(a)(4)? Must I take a solo 300 NM X/C in a single?

ANSWER 2: [§61.63(c)(4) says "Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought; and" Otherwise, the instructor trains the applicant to pass the practical test. So no the applicant does not have meet the provisions of §§61.109(a)(5), or (b)(5), or 61.129(a)(4) or (b)(4), etc., etc., etc
{q&a-8}

QUESTION: They operate BV-107s and BV-234s in external load operations only. Jim is also a pilot examiner.

He was questioning 61.63(d)(1) that requires an applicant hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class or type rating sought; and (5) that a 'VFR only' restriction be applied only to those aircraft incapable of IFR flight, due to their type certificate restrictions.

Their applicants already hold commercial-rotorcraft and instrument-rotorcraft ratings.

He told me that his company could not afford to equip these helicopters for IFR flight @ $200K each, nor to train their pilots for IFR flight @ $100K each. I told him that it looked like that the type rating applied to the aircraft itself, not to the specific operation it was being used in.

He asked why 61.64 was deleted, which gave them more leeway. Looked in the preamble, but couldn't find anything on this.

He said they had pilots currently in training, and needed to know answers. I told him that a quick answer was probably not going to be forthcoming and gave him some options, namely; to contact HAI to see if this subject has surfaced there; applying for an exemption to the reg. on their own or through HAI; petitioning for a reg. change. I promised him I would send you a note with his questions and concerns. He may contact you, and I wouldn't be surprised if he went higher.

I don't know if there are other BV-107s/BV-234s in the country that are equipped for IFR flight, and if so, if the owners/operators would allow training in them for Columbia. I'm sure that Columbia would not accept the idea of outside training, due to the cost involved and the way they operate their helicopters, strictly for external-load operations. Therefore, Columbia is very task-specific oriented and doesn't seem to understand the larger scope of regulatory language.

I'd appreciate any help you can give me on this. Of course, they're looking for relief, and, at first glance, it looks like to me that the only way they'll be able to do this would be by the exemption process.

One more thing, I personally have a question regarding the language in 61.63(d)(1). What was meant by 'an instrument rating that is appropriate to the aircraft category, class, or type rating

sought?' Because type rating checks are now given to ATP practical test standards? I guess what's confusing me is that, according to 61.65, there is no breakdown in instrument ratings beyond categories.

ANSWER: In answer to your question, Columbia Helicopter's BV-107 and BV-234 are VFR only aircraft. They only need to accomplish a VFR only type rating practical test. The new §61.63(d)(5) would apply in this situation. And if the applicant is seeking a BV-107 or BV-234 type rating at the ATP level then §61.157(b)(3) would apply. They only need to accomplish a VFR only type rating practical test in either case.

A review of the old §61.64 [specifically old §61.64(d)(2)], we don't see any difference on what it provided vs. what the new §61.63(d) provides. Do you?

Mary, in answer to your questioning the wording of the new §61.63(d)(1), whenever you see the word "appropriate" it is there for a purpose. And in your own statement you stated "there is no breakdown in instrument ratings beyond categories." We agree and the rule agrees, that is why we inserted the word "appropriate" in §61.63(d)(1). So, sometimes an instrument rating that is "appropriate" to the aircraft category is appropriate and sometimes it is not. An sometimes an instrument rating that is "appropriate" to the aircraft class is NOT appropriate and sometimes it is (i.e., an instrument-helicopter rating is an instrument rating associated to the aircraft class).
{q&a-20}

QUESTION 3: Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL.

Dose 61.63(b) apply? Then for 61.63(b)(1) we go to 61.129(a) for such things as: 50 hours in airplanes, 10 hours x/c in airplanes, 5 hours instrument training in airplanes, etc?

ANSWER 3: **YES, 61.63(b) does apply, and YES the category requirements of 61.129 apply.**
{q&a-60}

QUESTION 11: Conceding the lack of any statement of requirements in 61.63 regarding RSR&U English requirements, suppose a foreign airman who has acquired a standard US certificate (per part 61) with no English restriction comes back several years later from his home country to get an additional class added to his standard certificate, but has obviously lost his English capability. Should the examiner conduct the practical test an issue the additional class as though there was no problem, or what??

ANSWER 11: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.
{q&a-60}

61.65

QUESTION 1: Situation is, I have an applicant who holds a Private Pilot Certificate with an Airplane Single Engine Land and Airplane Multiengine Land ratings. The applicant is

seeking an Instrument Airplane rating and the airplane being utilized for the practical test is a Cessna 310 multiengine airplane. If the applicant passes the Instrument Airplane practical test in a multiengine airplane, does the Instrument privileges convey over to the Airplane - Single Engine Land rating?

ANSWER 1: Ref. FAA Order 8710.3C, page 11-2, paragraph 13 and § 61.65(a)(8)(i); Yes, the instrument privileges convey over to the Airplane - Single Engine Land rating.

QUESTION 2: Situation is, I have an applicant who holds a Private Pilot Certificate with an Airplane Single Engine Land and Airplane Multiengine Land ratings. The applicant is seeking an Instrument Airplane rating and the airplane being utilized for the practical test is a Cessna 172 single engine airplane. If the applicant passes the Instrument Airplane practical test in a single engine airplane, does the Instrument privileges convey over to the Airplane - Multiengine Land rating?

ANSWER 2: Ref. Instrument Rating PTS, page 6; FAA Order 8710.3C, page 11-2, paragraph 13; and § 61.65(a)(8)(i) - No, the instrument privileges do not convey over to the Airplane - Multiengine Land rating. The Airplane - Multiengine Land rating will have the "VFR Only" limitation attached to it.

QUESTION 3: Situation is I have an applicant who holds a Commercial Pilot Certificate with an Airplane Single Engine Land rating and Private Pilot Privileges Airplane Multiengine Land rating with the limitation "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited." The applicant is seeking an Instrument Airplane rating and the airplane being utilized for the practical test is a Cessna 172 single engine airplane. If the applicant passes the Instrument Airplane practical test in a single engine airplane, does the Instrument privileges convey over to the Airplane - Multiengine Land rating?

ANSWER 3: Ref. Instrument Rating PTS, page 6; FAA Order 8710.3C, page 11-2, paragraph 13; and § 61.65(a)(8)(i) - No, the instrument privileges do not convey over to the Airplane - Multiengine Land rating. The Private Pilot Privileges Airplane - Multiengine Land rating will have the "VFR Only" limitation attached to it.
{q&a-373}

QUESTION 6: An applicant holds a Commercial certificate (ASEL) and is now working towards an Instrument-Airplane rating which requires at least 40 hours of actual or simulated instrument time as required by 61.65(d)(2).

QUESTION 6a: If the applicant has already obtained some actual or simulated instrument time on the areas of operation of covered in §61.65 but did so in the course of obtaining his Private/Commercial certificate, do those hours count in meeting the requirements of §61.65(d)(2)?

ANSWER 6a: Ref. §61.65(d)(2); I can't give you a yes or no straight answer to your question. It depends. The flight instructor is going to have to review the applicant's training records and see whether the training received is equivalent and creditable to the training required by §61.65(c).

But again, it has to have been accomplished after the applicant received his or her Private Pilot Certificate. Because the training required for the Private Pilot applicant by §61.109(a)(3) is not "instrument training."

QUESTION 6b: Can some of those 40 hours be in simulated or actual instrument conditions with a non-CFI safety pilot qualified under §91.109?

ANSWER 6b: Ref. §61.65(d)(2); Yes, some of the 40 hours of aeronautical experience required by §61.65(d)(2) can be performed with safety pilot on board. Per §61.65(d)(2)(i), only 15 hours of the 40 hours of §61.65(d)(2) has to be given by a CFII. However, if any of the training is performed in a flight simulator or flight training device, that training must be given by a CFII [i.e., §61.65(e)] or given by an IGI or AGI [i.e., §61.215(b) or (c)].
{q&a-249}

QUESTION: §61.65(a)(7); I have a situation where an applicant who holds a Commercial Pilot Certificate with an Airplane Single Engine Land rating, a Rotorcraft-Helicopter rating, and an Instrument-Airplane rating. The applicant is seeking an Instrument-Helicopter rating. Does this applicant have to take the Instrument-Helicopter knowledge test?

ANSWER: No, this applicant is not required to take the Instrument-Helicopter knowledge test. As per §61.65(a)(7), it states in pertinent part, ". . . however, an applicant is not required to take another knowledge test when that person already holds an instrument rating;"

Now I know FAA Orders 8700.1 and 8710.3C have not been updated with the new Part 61. But these revisions are in progress. So as always, if there is a conflict between a Federal Regulation and a procedure in an FAA Order, the Federal Regulation ALWAYS wins out.
{q&a-227}

QUESTION 1: Ref. §61.65(a)(8)(i); The situation is we have an applicant for an Instrument Rating-Airplane in a Cessna 337 who holds a Commercial Pilot Certificate with an airplane single engine and a multiengine land ratings. The person's pilot certificate reads as follows:

COMMERCIAL PILOT
AIRPLANE SINGLE & MULTIENGINE LAND
The carriage of passengers for hire in airplanes on cross country flights in excess of 50 nautical miles or at night is prohibited.

The applicant previously qualified for an Airplane-Multiengine Rating in a Cessna 310. The applicant is now applying for an Instrument Rating-Airplane and intends to use a Cessna 337. Is this permissible without having the "Limited to Center Thrust" statement on the applicant's pilot certificate?

ANSWER 1: It is permissible for the Cessna 337 to be utilized for the Instrument Rating-Airplane practical test and no "Limited to Center Thrust" statement will need to be placed on the applicant's pilot certificate.

The rationale for not requiring the "Limited to Center Thrust" statement is because the applicant has already demonstrated the Area of Operation VIII Emergency Operations [Commercial Pilot Practical Test Standards - FAA-S-8081-12A] during the practical for the Airplane Multiengine Rating. And this practical test is for an Instrument-Airplane Rating and no place in the Instrument Rating Practical Test Standards does it require the person to demonstrate loss of directional control (Vmc) as is the case in the Commercial Pilot Practical Test Standards - FAA-S-8081-12A. Therefore, since the applicant already demonstrated the capability to pilot a conventional multiengine airplane (Cessna 310) performing the tasks in the Area of Operation VIII Emergency Operations [Commercial Pilot Practical Test Standards - FAA-S-8081-12A], further testing of these tasks are not necessary.

Additional rationalization: Prior to the applicant accomplishing the Instrument-Airplane practical test in the Cessna 337, that applicant satisfactorily completed the Commercial Pilot-AMEL practical test in a Cessna 310. I REPEAT, THAT APPLICANT COMPLETED THE COMMERCIAL PILOT-AMEL PRACTICAL TEST IN A CESSNA 310. During that practical test, the applicant demonstrated satisfactory skills in Area of Operation VIII, Emergency Operations:

Task B - Maneuvering with one engine inoperative
Task C - Loss of Directional Control Demonstration
Task D - Engine Failure During Takeoff before Vmc (Simulated)
Task E - Engine Failure After Lift-Off (Simulated)
Task F - Approach and Landing with an Inoperative Engine (Simulated)

Now during the Instrument-Airplane rating practical test IN THE CESSNA 337, the applicant will be required to perform Area of Operation VII Emergency Operations:

Task B - Engine Failure During Straight-and-Level Fight and Turns (Multiengine)
Can this task be performed in a Cessna 337 and meet all the objectives of Task B. The answer is YES IT CAN. And no place does it require the applicant to demonstrate Vmc on this task.

Task C - Instrument Approach-One Engine Inoperative (Multiengine)
Can this task be performed in a Cessna 337 and meet all the objectives of Task C. The answer is YES IT CAN. And no place does it require the applicant to demonstrate Vmc on this task.

Now for an explanation to the statement in the Instrument Airplane PTS on page viii (i.e., "To obtain an instrument rating with multiengine privileges, an applicant must demonstrate competency in a multiengine airplane not limited to center thrust . . . The multiengine airplane that is used to obtain multiengine privileges must have a Vmc speed established by the manufacturer and produce an asymmetrical thrust configuration with the loss of one or more engines"). This applicant has demonstrated competency in a multiengine airplane that has a ". . . Vmc speed established by the manufacturer and produce an asymmetrical thrust configuration with the loss of one or more engines." This applicant has previously demonstrated competency in a CESSNA 310 that has a ". . . Vmc speed established by the manufacturer . . ." during the Commercial Pilot-AMEL practical test.

Furthermore, this statement in the Instrument Airplane PTS on page viii is for an applicant who only holds an Airplane Multiengine Land rating that is limited to center thrust. This is not the case here. This applicant holds the Airplane Multiengine Land without that limited to center thrust limitation.

Therefore, upon completion of the practical test for the Instrument-Airplane Rating in the Cessna 337, the applicant's pilot certificate would read as follows:

COMMERCIAL PILOT
AIRPLANE SINGLE & MULTIENGINE LAND
INSTRUMENT - AIRPLANE

QUESTION 2: Ref. §61.65(a)(8)(i); The situation is we have an applicant for an Instrument Rating-Airplane in a Cessna 337 who holds a Private Pilot Certificate with an Airplane Single Engine and a Multiengine Land ratings. The person's pilot certificate reads as follows:

PRIVATE PILOT
AIRPLANE SINGLE & MULTIENGINE LAND

The applicant previously qualified for an Airplane-Multiengine Rating in a Cessna 310. The applicant is now applying for an Instrument Rating-Airplane and intends to use a Cessna 337. Is this permissible without having the "Limited to Center Thrust" statement on the applicant's pilot certificate?

ANSWER 2: Yes, it is permissible for the Cessna 337 to be utilized for the Instrument Rating-Airplane practical test and no "Limited to Center Thrust" statement will need to be placed on the applicant's pilot certificate.

The rationale for not requiring the "Limited to Center Thrust" statement is because the applicant has already demonstrated the Area of Operation VIII Emergency Operations [Commercial Pilot Practical Test Standards - FAA-S-8081-12A] during the practical for the Airplane Multiengine Rating. And this practical test is for an Instrument-Airplane Rating and no place in the Instrument Rating Practical Test Standards (FAA-S-8081-4B) does it require the person to demonstrate loss of directional control (Vmc) as is the case in the Commercial Pilot Practical Test Standards - FAA-S-8081-12A. Therefore, since the applicant already demonstrated the capability to pilot a conventional multiengine airplane (Cessna 310) performing the tasks in the Area of Operation VIII Emergency Operations [Commercial Pilot Practical Test Standards - FAA-S-8081-12A], further testing of these tasks are not necessary.

During the Instrument-Airplane rating practical test IN THE CESSNA 337, the applicant will be required to perform Area of Operation VII Emergency Operations:

Task B - Engine Failure During Straight-and-Level Fight and Turns (Multiengine)
This task can be performed in a Cessna 337, and since this task does not require the applicant to demonstrate Vmc, all the objectives of Task B can be met.

Task C - Instrument Approach-One Engine Inoperative (Multiengine)
Again, this task can be performed in a Cessna 337 and meet all the objectives of Task C since this task does not require the applicant to demonstrate Vmc.

Upon completion of the practical test for the Instrument-Airplane Rating, the applicant's pilot certificate would read as follows:

COMMERCIAL PILOT
AIRPLANE SINGLE & MULTIENGINE LAND
INSTRUMENT - AIRPLANE

There is the statement in the Instrument Airplane PTS on page viii that "To obtain an instrument rating with multiengine privileges, an applicant must demonstrate competency in a multiengine airplane not limited to center thrust . . . The multiengine airplane that is used to obtain multiengine privileges must have a Vmc speed established by the manufacturer and produce an asymmetrical thrust configuration with the loss of one or more engines." This statement is for an applicant who only holds an airplane multiengine land rating that is limited to center thrust. This is not the case here. This applicant holds the Airplane Multiengine Land rating without that limited to center thrust limitation.
{q&a-215}

QUESTION: Under ideal minimal time conditions, is it true that of the 40 hours required in preparation for an instrument rating, only 15 hours must be with the CFII and the remaining 25 hours could be with a buddy non instructor acting as safety pilot. One pilot examiner believes that all 40 hours must be with a CFII.

ANSWER: Ref. §61.65(d)(2); Per §61.65(d)(2) which states, in pertinent part, An applicant ". . . must have logged . . . A total of 40 hours of actual or simulated instrument time on the areas of operation of this section, to include . . . At least 15 hours of instrument flight training from an authorized instructor in the aircraft category for which the instrument rating is sought . . . ."

Therefore, you are correct in your understanding that only the ". . . 15 hours of instrument flight training . . . ." of §61.65(d)(2)(i) must be with an authorized instructor. The other 25 hours can be with a safety pilot.

However, if any of the ". . . 40 hours of actual or simulated instrument time on the areas of operation of this section . . ." of §61.65(d)(2) are performed in a flight simulator or flight training device then that time must also be received from authorized instructor (i.e., CFII or an IGI).
{q&a-197}

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to

fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

"D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

THIS IS A REPLACEMENT OF THE PREVIOUS Q&A #118

QUESTION: Reference §61.65(d)(2)(i); Does all 15 hours have to be performed in the actual aircraft category or can some of that 15 hours be performed in a flight simulator or flight training device?

§61.65(d)(2)(i) states:

(d) Aeronautical experience. A person who applies for an instrument rating must have logged the following:

* * * * *

(2) A total of 40 hours of actual or simulated instrument time on the areas of operation of this section, to include--

(i) At least 15 hours of instrument flight training from an authorized instructor in the aircraft category for which the instrument rating is sought;

ANSWER: Ref. §61.65(e), it states:

Use of flight simulators or flight training devices. If the instrument training was provided by an authorized instructor in a flight simulator or flight training device--

(1) A maximum of 30 hours may be performed in that flight simulator or flight training device if the training was accomplished in accordance with part 142 of this chapter; or

(2) A maximum of 20 hours may be performed in that flight simulator or flight training device if the training was not accomplished in accordance with part 142 of this chapter.

Therefore, any or all of the 15 hours of the instrument training may be performed in a flight simulator or flight training device as is addressed in §61.65(e) and provided the flight simulator/flight training device has been approved for that task.

However, reference §61.65 (a)(8)(ii), even if the flight simulator or flight training device is approved for the practical test, the instrument approach procedures are limited to one precision and one nonprecision approach. At least one nonprecision approach must be made in the actual aircraft category for which the instrument rating is sought.

So, is it possible to expect an applicant to be able to pass certain tasks in the actual aircraft after having never been given 1 minute of training in the actual aircraft? Possible, but NOT PROBABLE! But I do admit §61.65(e)(1) and (2) provides for 30 hours of instrument training and 20 hours of instrument training, respectively, to be performed in a flight simulator or flight training device. In further answer to this question, the amount of instrument training that can be performed in a flight simulator or flight training device is predicated FIRST on the tasks the flight simulator/flight training device have been approved for and then SECOND the instructor's determination, or if an approved course of training is involved then the amount and kinds of instrument training that has been approved in that flight simulator/flight training device. {q&a-118}

QUESTION: Reference: FAR 61.65 (d), the Practical Test Standards (FAA-S-8081-4B) and the October AFS-600 DESIGNEE UPDATE considered.

Can an applicant going for an initial instrument rating use a VOR as one of the non-precision approaches and then use a VOR/DME or TACAN WITH AN ARC as the second non-precision approach.

It seems that one could do that based on the following reasoning: We require an ILS. "That is a given." However, we then say that an applicant can use a localizer as one of the non-precision approaches.

ANSWER: Ref. §61.65(a)(8); An applicant for an instrument rating (i.e., Instrument-Airplane rating for example), the Instrument Rating PTS, FAA-S-8081-4B, Area of Operation VI "Instrument Approach Procedures" requires an applicant to be tested on 3 different kinds of approaches consisting of one precision approach and two non-precision approaches. Therefore, the precision approach has to be an ILS navigation system. We don't want an examiner to use a Radar PAR approach at an Air Force base.

The two non-precision approaches you pick from the following kinds of instrument approaches using DIFFERENT KINDS of navigation systems:

1. NDB
2. LDA
3. VOR
4. GPS
5. SDF
6. LOC

As an example, it means the examiner picks an NBB approach and LDA approach. Or, the examiner can pick a GPS approach and a VOR approach. Or, the examiner can pick a SDF approach and a LOC approach. Or, the examiner can pick a VOR approach and a LOC approach. ETC.
{q&a-160}

QUESTION 1: Re: 61.65(d)(2)(i) can a CFI-Helicopter (not instrument rated) give any of the fifteen hours required by this section?

ANSWER 1: Ref. §61.195(c); NO. It has to be given by a flight instructor who holds flight instructor helicopter and instrument-helicopter on their flight instructor certificate.

QUESTION 2: Re: 61.65(d)(2)(iv) if I read this section correctly, the flight must be conducted under IFR conditions etc. filed IFR flight plan, not necessary in IFR conditions.

ANSWER 2: Ref. §61.65(d)(2)(iv); RIGHT. It says ". . . that is performed under IFR . . ." IFR means instrument flight rules. IFR does not mean instrument meteorological conditions (IMC).

QUESTION 3: Re: 61.65(d)(2)(iv)(A) Regarding the 100 nautical mile requirement, can that be a flight out on the airway 50 mile then back?

ANSWER 3: Ref. §61.65(d)(2)(iv)(A) and §61.1(b)(3)(iii); Yes, provided, as in accordance with §61.1(b)(3)(iii), the flight.

> "That includes a point of landing that was at least a straight line distance of more than 25 nautical miles from the original point of departure."

{q&a-164}

QUESTION 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certificated Robinson R-22 (e.g., non-IFR certificated).

1-a. Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER 1-a: No; Section 61.65 does not require the helicopter to be IFR certificated. **However, a VFR certificated helicopter shall not operate under IFR in flight conditions that are less than VMC without the helicopter meeting the certification requirements of Appendix B of Part 27 and §91.205(d).** You can not operate a VFR certificated Robinson R-22 (e.g., non-IFR certificated) in flight conditions that are less than VMC nor may you accept an IFR

clearance into flight conditions that are less than VMC. Otherwise, the aircraft always has to be in a position to be in VMC conditions and remain in VMC conditions.

Additionally, FAA Order 8700.1 (page 8-2, para 17) states:

> "17. USE OF AIRCRAFT NOT APPROVED FOR IFR OPERATIONS UNDER ITS TYPE CERTIFICATE FOR INSTRUMENT TRAINING AND/OR AIRMAN CERTIFICATION TESTING. The following paragraphs are intended to clarify the use of an aircraft not approved for IFR operations under its type certificate for instrument flight training and/or airman certification testing.
>
> A. IFR Training in Visual Meteorological Conditions (VMC). Instrument flight training may be conducted during VMC in any aircraft that meets the equipment requirements of §§91.109, 91.205, and, for an airplane operated in controlled airspace under the IFR system, §§91.411 and 91.413. An aircraft may be operated on an IFR flight plan under IFR in VMC, provided the pilot in command (PIC) is properly certificated to operate the aircraft under IFR. However, if the aircraft is not approved for IFR operations under its type certificate, or if the appropriate instruments and equipment are not installed or are not operative, operations in instrument meteorological conditions (IMC) are prohibited. The PIC of such an aircraft must cancel the IFR flight plan in use and avoid flight into IMC.
>
> B. Type Certificate Data. Appropriate type certificate data will indicate whether the aircraft meets the requirements for IFR operations.
>
> (1) Section 91.9(a) prohibits aircraft operations without compliance with the operating limitations for that aircraft prescribed by the certificating authority.
>
> (2) Section 91.9(b) prohibits operation of a U.S. registered aircraft requiring an airplane an airplane or rotorcraft flight manual unless it has on board a current and approved airplane or rotorcraft flight manual or approved manual material, markings, and placards containing each operating limitation prescribed for that aircraft."

QUESTION 1-b: Does this Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER 1-b: No; Section 61.65 does not require the helicopter's flight and navigation instruments to be IFR certificated. However, VFR certificated helicopters shall not operate under IFR in flight conditions that are less than VMC without meeting the certification requirements of Appendix B of Part 27 and §91.205(d).

QUESTION 1-c: Can the aeronautical experience required by §61.65(d) be performed in this VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-c: Yes; Per §61.65(d).

QUESTION 1-d: Can the training required by Appendix C of Part 141be performed in a VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-d: Yes; §141.39(e) and additionally §91.205(d) applies. Section 141.39(e) does not prevent the use of a VFR certificated Robinson R-22 from being used for performing the training requirements of Appendix C of Part 141.

QUESTION 1-e: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-e: Yes; Section 61.45(b) and (d) and additionally §91.205(d) applies. Section 61.45(b) and (d) does not prevent the use of a VFR certificated Robinson R-22 for being used for performing the practical test for an Instrument-Helicopter rating.

QUESTION 1-f: Can a hand-held GPS receiver or portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR be Velcroed to the instrument panel?

ANSWER 1-f: Section 61.45(b) and (d) apply and additionally §91.205(d) applies. However, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements [e.g., §§61.65(d)(2)(iv)] §§91.171, 91.411, and 91.413 will also apply. Otherwise, for the aircraft to be operated under IFR the aircraft's --

- VOR has to have been inspected or operationally checked; [e.g. §91.171]

- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [e.g. §91.411] and

- ATC transponder has to have been tested and inspected. [e.g. §91.413]

Additionally, FAA Order 8700.1 [page 222-7, paragraph 13.D. states, in pertinent part:

> ". . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of §91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . ."

Section 61.45(b) and (d) does not prevent the use of a hand-held GPS receiver for being used during the practical test for an Instrument-Helicopter rating. But you cannot operate the aircraft in flight conditions that are less than VMC nor may you accept an IFR clearance into flight conditions that are less than VMC. Otherwise, the aircraft always has to be in a position to be in VMC conditions and remain in VMC conditions.

Now from a practical use of these hand-held GPS receivers, it is not possible to use them for executing GPS approaches. Because the hand-held GPS receivers on the market today, none are pre-programmed with GPS approaches. So a hand-held GPS receiver cannot be used for executing a GPS approach [§91.175(a)]. Now I realize the GPS radio manufacturing industry are constantly making improvements to these hand-held GPS receivers, and maybe someday hand-

held GPS receivers will contain GPS approaches. But to date, there are no hand-held GPS receivers that are pre-programmed with GPS approaches that meet TSO C-129 (or its equivalent installation requirements) equipment approval for IFR use.

So the answer is no, you cannot use a hand-held GPS receiver to execute a GPS approach under IFR in flight conditions that are less than VMC.

And the answer is no, you cannot use a portable VOR receiver to execute a non-precision approach under IFR in flight conditions that are less than VMC.

But the answer is yes, a hand-held GPS receiver can be used for navigation under IFR in VMC flight conditions if the equipment is capable of allowing the pilot to comply with the ATC clearance.

And the answer is yes, a portable VOR receiver can be used for executing a non-precision approach under IFR in VMC flight conditions.

And the answer is also yes, a portable VOR can be Velcroed to the instrument panel.

QUESTION 1-g: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training in this non-IFR certificated Robinson R-22?

ANSWER 1-g: Per §91.205(d); In addition, to the instruments and equipment of §91.205(b), the instruments and equipment listed in §91.205(d)(2) through (9), as appropriate.

QUESTION 2: Ref. §61.129(c)(3)(i); A person is undergoing training for a helicopter additional rating at the Commercial Pilot Certificate level. The helicopter the person will be receiving training in is a non-IFR certificated Robinson R-22.

a. What are the minimum **flight** instruments and equipment requirements for this Robinson R-22 that are used for the instrument training for the add on helicopter rating at the commercial pilot certificate that is addressed in §61.129(c)(3)(i)?

ANSWER 2-a: Ref. §91.205(b); For daytime instrument training, the aircraft's minimum **flight** instruments and equipment requirements may be as a simple as the instruments requirements of §91.205(b) with a portable communication receiver, and a portable VOR navigation receiver or some other kind of navigation receiver in the aircraft. As an example, if the training was given in a helicopter, the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.

QUESTION 2-b: **I**f the training is being given in a helicopter, does the training have to be given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate?

ANSWER 2-b: Ref. §61.195(c); Yes, it has to be given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate.

QUESTION 2-c: If the instrument training required by §61.129(c)(3)(i) is given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate, can that time also be used to count toward the aeronautical experience of §61.65(d)?

ANSWER 2-c: Ref. §§61.129(c)(3)(i) and 61.65(d); Yes, the time also be used to count toward the aeronautical experience of §61.65(d).

And in conclusion if you remember nothing from what you have just read in this Q&A answer, ALWAYS REMEMBER THIS EARLIER STATEMENT: **"However, a VFR certificated helicopter shall not operate under IFR in flight conditions that are less than VMC without the helicopter meeting the certification requirements of Appendix B of Part 27 and §91.205(d)."**

These answers have been reviewed and approved by William H. Wallace, AFS-804, National Resource Specialist, Rotorcraft Operations); Robert M. Barton, Manager-AFS-820, Operation Branch; and James Riddle, Manager-AFS-840, Certification Branch from the General Aviation and Commercial Division, Washington, DC; Bob Kopecky, AFS-600; and Jim Carlson, Dallas FSDO No. 5.
{q&a-170}

QUESTION 1: Does the long instrument cross country still require the three required approaches to be conducted at three different airports? Or, can they all be done at one airport as long as the specified distance is covered and three different kinds of approaches are made with the use of navigation systems?

ANSWER 1: Reference §61.65(d)(2)(iii)(B) and (C), it states:

(iii) For an instrument--airplane rating, instrument training on cross-country flight procedures specific to airplanes that includes at least one cross-country flight in an airplane that is performed under IFR, and consists of--

(A) A distance of at least 250 nautical miles along airways or ATC-directed routing;
(B) An instrument approach at each airport; and
(C) Three different kinds of approaches with the use of navigation systems;

NO, the approaches do not have to be done at THREE different airports. "However, **AT LEAST TWO** airports must be involved, one of which is a point of landing more than 50 NM from the original point of departure (see q&a-47 under answers for 61.65)." **)** Just like it says ". . . A distance of at least 250 nautical miles along airways or ATC-directed routing. . ." You could do one approach and a landing at an airport 125 NM away from the original point of departure and on the return do 2 approaches at the departure airport. Just make sure you do ". . . Three **different kinds of approaches** with the use of navigation systems. . ." and an instrument approach at EACH airport.
{q&a-112}

QUESTION: Reference §61.65(d)(2)(i): Does all 15 hours have to be performed in the actual aircraft category or can some of that 15 hours be performed in a flight simulator or flight training device?

ANSWER: All of the 15 hours must be accomplished in the actual aircraft category. The portion that may be performed in a flight simulator or flight training device is addressed in §61.65(e). But §61.65(e) only permits use of a flight simulator or flight training device for the ". . . 40 hours . . ." stated in §61.65(d)(2).
{q&a-118}

QUESTION 2: Second question is: can you provide the definitive ruling on how many and which type of approaches can be used during an Instrument Rating Practical Test. What is the source?

ANSWER 2: Reference §61.65(a)(8). §61.65(a)(8) refers to the practical test and then you go to the Instrument Rating PTS and it requires two non-precision approaches and one precision approach.

It is my understanding that the Instrument Rating PTS is undergoing revision to clarify this issue.

(NOTE: An expanded discussion of what will appear in the PTS may be found on the first page of the DESIGNEE UPDATE, Vol. 9, No.4, dated October 1997.)
{q&a-97}

QUESTION 1: Do landings have to be made at each airport on the cross country flight required by §61.65(d)(2)(iii) for the instrument rating-airplane aeronautical experience?

ANSWER 1: Not at all of the airports, but at least one landing must be made at one of the airports, as required by §61.1(b)(3)(ii) [and specifically subparagraph (B)] which states

(ii) For the purpose of meeting the aeronautical experience requirements (except with a rotorcraft rating) for a private pilot certificate, commercial pilot certificate, or an instrument rating, or for the purpose of exercising recreational pilot privileges (except in a rotorcraft) under §61.101(c), time acquired during a flight-

(A) Conducted in an appropriate aircraft;

(B) That includes **a point of landing that was at least a straight-line distance of more than 50 nautical miles from the original point of departure**;

(C) That involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.

§61.65(d)(2)(iii) states:

(iii) For an instrument — airplane rating, instrument training on cross-country flight procedures specific to airplanes that includes at least one cross-country flight in an airplane that is performed under IFR, and consists of —

(A) **A distance of at least 250 nautical miles along airways or ATC-directed routing;**

(B) An instrument approach at each airport; and

(C) Three different kinds of approaches with the use of navigation systems;

So in answer to your specific question, as long as the total distance of your suggested cross country was "A distance of at least 250 nautical miles along airways or ATC-directed routing;" as provided for in §61.65(d)(2)(iii)(A), then yes your scenario is correct and it would meet the requirements of the rule.
{q&a-47}

QUESTION 6: In the existing §61.71(a), it states: ". . . However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of §§61.65(e)(1) and 61.123 (except paragraphs (d) and (e) thereof)." And §61.65(e)(1) states: "A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross country flight in a powered aircraft with other than a student pilot certificate. Each cross country flight must have a landing at a point more than 50 nautical miles from the original departure point." In the new §61.71, the language referring to §§61.65(e)(1) and 61.123 has been dropped. Does that mean if I have a student that graduates from my Part 141 instrument rating course, he no longer (after August 4, 1997) has to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123?

ANSWER 6: A Part 141 graduate will no longer be required to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123. The deleting of that provision was intentional, because we who drafted the rule believe our Part 141 school give such quality of training that a person who graduates from a Part 141 school provides an equivalent level of safety. And we don't have to file a difference with ICAO because our country is the only country that has Part 141 approved schools and we have never filed differences when it relates to Part 141.
{q&a-31}

QUESTION 7: FAR 61.65 (a)(8)(ii) states "_If an approved flight training device is used for the practical test, the instrument approach procedures conducted in that flight training device are limited to one precision and one non precision approach, provided the flight training device is approved for the procedure performed." The preamble states in part "_The final rule also limits the procedures which may be performed in an approved flight training device to one precision and one nonprecision approach provided the flight training device is approved_" I understand this to say that at least one approach must
be flown in the airplane. Is this correct?

ANSWER 7: You're correct. At least one approach must be flown in the aircraft.
{q&a-74}

QUESTION 6: Definition of "original point of departure".
A. How should the "original point of departure" be managed to meet 61.65(d)(iii)(B) "an instrument approach at each airport" if the home base is an airport that does not have an instrument approach?

B. Is the "original point of departure" subject to change if there is an overnight, extended stay, or the aircraft is left for repair and the pilot returns later to continue the cross-country or bring it home? Does "original point of departure" change with a new day?

ANSWER 6A: The distance of the return leg to the original point of departure ("home base") from the last airport where an approach was made shall not be used to meet the 250 NM requirement since an approach cannot be made at the original point of departure airport.

ANSWER 6B: The "original point of departure" does not change with a new day or delay. {q&a-60}

QUESTION 17: A person comes in with a knowledge test report for instrument-airplane. This dual rated person originally intended to take the instrument practical in an airplane, but later decided to take it in helicopter instead. Can the IRA test be used in place of the IRH test?

ANSWER 17: NO. These tests are not interchangeable. {q&a-60}

61.69

QUESTION 1: Who would qualify as the "authorized instructor" in §61.69(a)(3)?

ANSWER 1: Per §61.69(a)(3) which states, "Has a logbook endorsement from an authorized instructor who certifies that the person has received ground and flight training in gliders and is proficient in". The pertinent definition of an "authorized instructor" as per 61.1(b)(2)(ii), which states "A person who holds a current flight instructor certificate issued under part 61 of this chapter when conducting ground training or flight training in accordance with the privileges and limitations of his or her flight instructor certificate; or"

Therefore, the "authorized instructor" in this case would be required to hold a valid and current flight instructor certificate with a glider rating on that flight instructor certificate. And this flight instructor would also have to be appropriately qualified in accordance with §61.69(a). Otherwise, this flight instructor would also have to be qualified to tow gliders [i.e., as required by §61.69(c)].

QUESTION 2: Does the towplane pilot have to be rated/proficient in gliders?

ANSWER 2: Reference §61.69(a)(1) and (2); The towplane pilot doesn't even need to be rated in gliders. As per §61.69(a)(1) and (2), it merely states that:

(a) No person may act as pilot in command for towing a glider unless that person:
(1) Holds at least a private pilot certificate with a category rating for powered aircraft;
(2) Has logged at least 100 hours of pilot-in-command time in the aircraft category, class, and type, if required, that the pilot is using to tow a glider;

Therefore, if the tow plane pilot is using a Cessna 305 to tow a glider, that pilot only needs to hold a Private Pilot Certificate with an Airplane Single Engine Land rating [i.e., §61.69(a)(1)]

and have logged at least 100 hours of PIC time in a single engine land airplane [i.e., §61.69(a)(2)].
{q&a-253}

QUESTION: Does the endorsement requirement in paragraph 61.69(a)(3) apply to a private pilot with airplane-single engine land and glider who is going to act as "tow-pilot"? It seems this requirement would be met by virtue of having at least a private glider rating. This is evidence of having complied with 61.31 (j)(1)(ii) which appears to cover the endorsement required by 61.69(a)(3).

ANSWER: **YES.** The person must have the endorsement. Ref. section 61.69(a)(3) states:

(a) No person may act as pilot in command for towing a glider unless that person:
* * * * *
(3) **Has a logbook endorsement from an authorized instructor** who certifies that the person has received ground and flight training in gliders and is proficient in--
(i) The techniques and procedures essential to the safe towing of gliders, including airspeed limitations;
(ii) Emergency procedures;
(iii) Signals used; and
(iv) Maximum angles of bank.
{q&a-138}

61.71

CORRECTION: Revision of Q&A #231 is made to emphasize the requirements for
1). Completion of the "Record of Pilot Time", Section III of the Airman Application by graduates of pilot schools, and
2). The pilot examiner's comparing the experience shown with the requirements of part 141, or if necessary, with the Training Course Outline by contacting an official of the flight school or the Principal Operations Inspector.

QUESTION 1: When an applicant completes an approved Part 141 course of training, does an examiner need to review the times in Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1) to insure the applicant's aeronautical experience meet Part 141 aeronautical experience requirements, as appropriate? Does the applicant even need to complete Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1)

ANSWER 1: Ref. § 61.39(a)(7) and §61.71(a); Yes, the FAA would expect an examiner to review the times on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) to insure the applicant's aeronautical experience meet the appropriate aeronautical experience requirements of Part 141.

And yes, the applicant is required to enter his/her aeronautical experience in Section III "Record of Pilot Time" because as per § 61.39(a)(7) it states "Have a completed and signed application form."

However, the aeronautical experience times may not meet the appropriate minimum aeronautical experience requirements of Part 61, because Part 141 provides for less course approval times. And §141.55(d) or (e) provides for course approval ". . . without specifying the minimum ground and flight training time requirements of this part . . ." so it is possible for an applicant who graduates from an approved Part 141 training course to have less time than the minimum aeronautical experience requirements of Part 61.

As per §61.71(a), if an applicant is a graduate of Part 141 approved course of training, that applicant ". . . is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part" (e.g., Part 61). But no place does it provide that the applicant needn't complete Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1). And per § 61.39(a)(7), it requires that the applicant "Have a completed and signed application form."

Now during an examiner's review of the applicant's "Airman Certification and/or Rating Application" (FAA Form 8710-1) in Section III "Record of Pilot Time" if the examiner were to find that the times were less than the required Part 141 aeronautical experience requirements, then the FAA expects that examiner to at least question the local FAA FSDO or the Chief Instructor about it. Knowing the way most Part 141 schools operate, an examiner could question the school's Chief Instructor and the matter would probably get resolved right then.

QUESTION 2: When an applicant has completed/graduated from a Part 141 training course, does the applicant/school need to show the applicant's aeronautical experience time in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1)? And does the examiner need to verify that the applicant's time shown in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating the applicant is seeking?

ANSWER 2: Ref. § 61.39(a)(7) and FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6); Per § 61.39(a)(7), the applicant's aeronautical experience time must be shown in the appropriate blocks of Section III -Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1). As per § 61.39(a)(7), it requires that the applicant "Have a completed and signed application form." And on the instruction sheet of the "Airman Certification and/or Rating Application" (FAA Form 8710-1), it states:

> **III. RECORD OF PILOT TIME.** The minimum pilot experience required by the appropriate regulation must be entered. It is recommended, however, that ALL pilot time be entered. If decimal points are used, be sure they are legible. Night flying must be entered when required. You should fill in the blocks that apply and ignore the blocks that do not. Second In Command "SIC" time used may be entered in the appropriate blocks. Flight Simulator, Flight Training Device and PCATD time may be entered in the boxes provided.

Total, Instruction received, and Instrument Time should be entered in the top, middle, or bottom of the boxes provided as appropriate.

And per FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6), the FAA expects the examiner to verify that the applicant's aeronautical experience time shown in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) in applicant's "Airman Certification and/or Rating Application" (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating that the applicant is seeking.

The FAA expects an examiner to review Section III - Record of Pilot Time of the Airman Certification and/or Rating Application" (FAA Form 8710-1). However, if the times do not meet the minimum aeronautical experience requirements and/or the course approval times, then the FAA expects the examiner to inquire why the applicant's times do not meet the requirements. And yes, as I previously mentioned, it may be the school's approved course of training is one that has been approved in accordance with §141.55(d) or (e). But a simple conversation with the Chief Flight Instructor or with the local FSDO (the principal operations inspector who has oversight of the school) should be able resolve any questions.
{q&a-231}

QUESTION 2: I test applicants who have graduated from part 141 schools. §61.71 states that if an applicant presents a graduation certificate the applicant is considered to have met the applicable aeronautical experience, aeronautical knowledge and area of operation requirements of Part 61.

Does this mean that the applicant does not have to show me logged ground and flight training required under part 61 and that the graduation certificate will stand by itself. Am I required to examine the 141syllabus to insure that the minimum logged training under part 61 was accomplished.

ANSWER 2: Ref. §61.71(a) and §141.95; No, you do not have to examine the school's syllabus.

If a person holds a graduation certificate from an approved training program under part 141 of this chapter then that person is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part if that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation.

So as an examiner, you do not have to examine the school's syllabus. That is the FAA's responsibility when we review the TCO during the approval process. Additionally, the FAA reviews the school's records and students' records throughout the year at periodic times to ensure compliance with the appropriate rules of Part 141 [i.e., FAA Order 8700.1, Chapter 141 and §141.101, §141.77(a)(1), §141.95, etc.]. In addition, the school's Chief Instructor or Assistant Chief Instructor will have also reviewed the student's application, training records, and graduation certificates before that applicant appears for the practical test.

But the examiner certainly has the right and **SHOULD** review the applicant's training records and logbook to ensure the applicant completed the course requirements and that the school has completed the necessary paperwork and endorsements on the applicant [i.e., §141.95]. But you the examiner, your main emphasis should be on reviewing the student's application, logbook, and conducting the practical test. Leave the detail review of the school records and student training records to the FAA and to the school's Chief Instructor.
{q&a-206}

QUESTION 1: FAR 61.65 (d)(1) requires a person who applies for an instrument rating to have logged at least 50 hour of PIC cross country. FAR 141, Appendix C does not have this requirement. Is this correct?

ANSWER 1: Reference §61.71(a): §61.71(a) was revised in the new Part 61 to delete that requirement. Yes, it was intentional.
{q&a-117}

QUESTION 5: Reference §61.71(b)(1); Does this Part 121 proficiency check have to be a PIC proficiency check? Does the check have to be given by an FAA Inspector or an FAA DPE?

ANSWER 5: As per §61.71(b)(1), "Satisfactorily accomplished an approved training program and the **pilot-in-command proficiency check** for that airplane type, in accordance with the pilot-in-command requirements under subparts N and O of part 121 of this chapter; and"

and

As per §61.157(f), in pertinent part, ". . . Any check must be evaluated by **a designated examiner or FAA Inspector**."
{q&a-89}

61.73

QUESTIONS ABOUT ISSUANCE OF GLIDER CERTIFICATE/RATING TO CURRENT OR FORMER USAF GLIDER PILOTS:

SITUATION: The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (it is a U.S. Air Force soaring school that provides military pilot training to U.S. Air Force cadre staff for a military pilot qualification in gliders) and whether it is permissible to issue a glider rating at the commercial pilot certificate level under the special rules of §61.73. The scenario involves cadre staff who are current or former rated and active U.S. Air Force military pilots. These cadre staff may or may not hold an FAA pilot certificate. Some hold a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane ratings. Others may hold Commercial Pilot Certificate with a Rotorcraft-Helicopter and Instrument-Helicopter rating. For the most part, these pilots qualified for a Commercial Pilot Certificate via the special rules of §61.73. Some hold an ATP Certificate with an Airplane Multiengine Land rating with instrument privileges. And some do not hold any FAA pilot certificate but they are current or former rated and active U.S. Air Force military pilots.

These cadre staff have previously graduated from an United States Air Force's Undergraduate Pilot School and hold U.S. Air Force aeronautical orders that designates them as U.S. Air Force pilots. They have been awarded the official U.S. Air Force wings as a rated and qualified U. S. Air Force pilots. They have completed their undergraduate pilot training at a U.S. Air Force's Undergraduate Pilot Training school. As for example (e.g., the following list is examples of some of the current or past U.S. Air Force Undergraduate Pilot Training schools This list is not meant or intended to be an all-inclusive list because there have been numerous base closings), the person graduated from one of the U.S. Air Force's Undergraduate Pilot Training school which may have been from:

1. Vance AFB, Enid, OK
2. Sheppard AFB, Wichita Falls, TX
3. Columbus AFB, Columbus, MS
4. Laughlin AFB, TX
5. In the case of U.S. Air Force pilots who undergo helicopter qualification, the U.S. Army's Undergraduate Pilot Training school at Ft. Rucker, AL
6. Some U.S. Air Force pilots complete the final stage of their pilot training in the T-44 at the U.S. Navy's Undergraduate Pilot Training school at Corpus Christi, TX.

They are assigned at the U.S Air Force Academy in Colorado Springs, CO. And they receive pilot training and qualification in a glider at the U.S Air Force Academy's 94th Flying Training Squadron. At the conclusion of their military pilot qualification training in gliders, these rated and active U.S. Air Force military pilots get rated and qualified as military pilots in gliders [otherwise they have complied with §61.73(b)]. This U.S Air Force Academy's soaring school is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these current or former rated and active U.S. Air Force military pilots complete their glider qualification at the U.S. Air Force Academy's 94th Flying Training Squadron, they receive an official PIC checkout in gliders [otherwise, they have complied with §61.73(d)(1) minus the instrument proficiency check in gliders]. However, these current or former rated and active U.S. Air Force military pilots can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

QUESTION 1: Is it permissible to issue the glider rating to a current or former rated and active U.S. Air Force military pilot who already holds an FAA pilot certificate and who qualifies for a military pilot qualification in a glider through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves cadre staff who are current or former rated and active U.S. Air Force military pilots and who hold an FAA pilot certificate and who complete a military pilot qualification in gliders through the U.S. Air Force Academy's soaring school.

ANSWER 1: Ref. §61.73(a) and FAA Order 8700.1, chapter 28, paragraph 5.C.; These cadre staff are current or former rated and active U.S. Air Force military pilots. They already hold an FAA pilot certificate and complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron. These cadre staff may be issued a

glider rating at the Commercial Pilot Certificate level, provided the following evidentiary documents are presented to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

a. An U.S. Armed Force official identification card issued to that applicant.

b. An official U.S. Air Force documentation that shows the applicant designated as a military pilot in the U.S. Air Force. Typically, an U.S. Air Force aeronautical order that states that the applicant has been assigned pilot duties under a "pilot" or "copilot" duty position may be used to satisfy this requirement. A "student pilot" aeronautical order does not satisfy this requirement.

c. An official U.S. Air Force's Undergraduate Pilot Training school graduation certificate that shows the applicant graduated from one of the U.S. Air Force's Undergraduate Pilot Training schools.

d. An official U.S. Air Force pilot record that shows the applicant having satisfactorily accomplished a U.S. Air Force checkout as pilot in command in gliders. Typically, the U.S. Air Force's Form 8 may be used to satisfy this requirement.

e. An official U.S. Air Force pilot record that shows the applicant having accomplished at least 10 hours of pilot-in-command time in a glider during the 12 calendar months before the month of application. Typically, a U.S. Air Force flight time database printout may be used to satisfy this requirement.

f. The applicant must submit a signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application.

Then the applicant may be issued a temporary airman certificate (FAA Form 8060-4) that adds the glider rating.

QUESTION 2: Is it permissible to issue the glider rating to a current or former rated and active U.S. Air Force military pilot who does not hold an FAA pilot certificate, but who qualifies for a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves cadre staff who are current or former rated and active U.S. Air Force military pilots but who do not hold an FAA pilot certificate, but who complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron.

ANSWER 2: Ref. §61.73(a) and FAA Order 8700.1, chapter 28, paragraph 5.C.; First the applicant must accomplish the knowledge test [i.e., as per §61.73(b)(1), Military Competency - Airplane or .Military Competency – Helicopter knowledge test, as appropriate to the military pilot qualification held] and then be issued the appropriate Commercial Pilot Certificate with the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held. Then these cadre staff may be issued a glider rating at the Commercial Pilot Certificate level provided the following evidentiary documents are presented to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

a. An U.S. Armed Force official identification card issued to that applicant.

b. An official U.S. Air Force documentation that shows the applicant designated as a military pilot in the U.S. Air Force. Typically, an U.S. Air Force aeronautical order that states that the applicant has been assigned pilot duties under a "pilot" or "copilot" duty position may be used to satisfy this requirement. A "student pilot" aeronautical order does not satisfy this requirement.

c. An official U.S. Air Force's Undergraduate Pilot Training school graduation certificate that shows the applicant graduated from one of the U.S. Air Force's Undergraduate Pilot Training schools.

d. The applicant must accomplish the knowledge test for the Military Competency - Airplane or Military Competency – Helicopter knowledge test, as appropriate to the military pilot qualifications held.

e. An Airman Computer Test Report – Military Competency - Airplane or Military Competency – Helicopter knowledge test, as appropriate, that shows the applicant having satisfactorily accomplished a score of at least 70% or higher grade.

f. The applicant must submit a signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application for the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held.

Then the applicant may be issued a temporary airman certificate (FAA Form 8060-4) with the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held. Then the applicant must present the following evidentiary documents to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

g. An official U.S. Air Force pilot record that shows the applicant having satisfactorily accomplished a U.S. Air Force checkout as pilot in command in gliders. Typically, the U.S. Air Force's Form 8 may be used to satisfy this requirement.

h. An official U.S. Air Force pilot record that shows the applicant having accomplished at least 10 hours of pilot-in-command time in a glider during the 12 calendar months before the month of application. Typically, a U.S. Air Force flight time database printout may be used to satisfy this requirement.

i. The applicant must submit another signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application for the glider rating.

Then the applicant may be issued another temporary airman certificate (FAA Form 8060-4) that adds the glider rating.

QUESTION 3: Is it permissible to issue the glider rating to recent U.S. Air Force academy graduates who may or may not hold an FAA pilot certificate but who have qualified in

gliders through U.S. Air Force Academy's 94th Flying Training Squadron? If it is possible, at what pilot certificate level should the glider rating be issued at?

The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (they provide military training to U.S. Air Force recent graduates for qualification in gliders) and whether it is permissible to issue a glider rating at the Commercial Pilot Certificate level under the special rules of §61.73.. In this scenario, it involves U.S. Air Force Academy graduates who have completed the U.S. Air Force Academy's 94th Flying Training Squadron for pilot qualification in gliders. At the conclusion of their pilot qualification training in gliders at the U.S. Air Force Academy 94th Flying Training Squadron, these U.S. Air Force Academy graduates get military rated and qualified in gliders [otherwise they have complied with §61.73(b)]. This U.S Air Force Academy's 94th Flying Training Squadron is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these recent graduates from the U.S. Air Force Academy complete their pilot training in gliders at the U.S. Air Force's 94th Flying Training Squadron, they receive an official military rating checkout in gliders [otherwise they have complied with §61.73(d)(1) minus the instrument proficiency checkout]. However, these recent graduates from the U.S. Air Force Academy can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

ANSWER 3: Ref. §61.73(b)(3)(i) and (h)(3)(i) or (iii); Do not issue a glider rating to these recently graduated U.S. Air Force graduates. These U.S. Air Force Academy graduates are not rated military pilots. Nor can these U.S. Air Force Academy graduates show orders designating them as an United States Air Force pilots. Nor can these U.S. Air Force Academy graduates show a graduation certificate of having graduated from the United States Air Force Undergraduate Pilot Training School. Nor can these U.S. Air Force Academy graduates show that they have been awarded U.S. Air Force pilot wings. So the answer is no, they may not be issued a glider rating.

QUESTION 4: Is it permissible to issue the glider rating to U.S. Air Force Academy cadets who may or may not hold an FAA pilot certificate but who have qualified for a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves U.S. Air Force Academy cadets who complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron.

The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (they provide military training to U.S. Air Force cadets for qualification in gliders) and whether it is permissible to issue a glider rating at the Commercial Pilot Certificate level under the special rules of §61.73.. In this scenario, it involves U.S. Air Force Academy cadets who have completed the U.S. Air Force Academy's 94th Flying Training Squadron for pilot qualification in gliders. At the conclusion of their pilot qualification training in gliders at the U.S. Air Force Academy's 94th Flying Training Squadron, these U.S. Air Force Academy cadets get military rated and qualified as pilots in gliders [otherwise they have complied with §61.73(b)]. This U.S

Air Force Academy's 94th Flying Training Squadron is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these cadets from the U.S. Air Force Academy complete their pilot qualification in gliders at the Air Force Academy's 94th Flying Training Squadron, they receive an official military pilot rating checkout in gliders [otherwise they have complied with §61.73(d)(1) minus the instrument proficiency checkout]. However, these recent graduates from the U.S. Air Force Academy can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

ANSWER 4: Ref. §61.73(b)(3)(i) and (h)(3)(i) or (iii); Do not issue a glider rating to these U.S. Air Force cadets. These U.S. Air Force Academy cadets are not rated military pilots. Nor can these U.S. Air Force Academy cadets show documentation designating them as an United States Air Force pilots. Nor can these U.S. Air Force Academy cadets show a graduation certificate of having graduated from the United States Air Force Undergraduate Pilot Training school. Nor can these U.S. Air Force Academy cadets show that they have been awarded U.S. Air Force pilot wings. So the answer is no, they may not be issued a glider rating. {q&a-405}

QUESTION: Request for an explanation of the intent 14 CFR § 61.73(c)(1) "Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; and" Otherwise, what is meant by the phrase ". . . Pass the appropriate knowledge and practical tests prescribed in this part . . ." And as a follow-on, explain the intent of ". . . or meet the requirements of § 61.73 . . ." in § 61.123(h)?

ANSWER: Ref. §61.73(c)(1) and § 61.123(h)

This question was copied from an official response to an inquiry from James B. Friel, Principal Operation Inspector, AWP FSDO No. 15, San Jose, CA

Reference your request for an explanation of the intent Title 14 CFR, section 61.73(c)(1) and (2).

In Mr. Morris' situation, he did not take advantage of his military aviation service when it would have been permissible for him to have merely accomplished the military competency knowledge test. Otherwise, he missed the opportunity to apply directly for a commercial pilot certificate with an instrument rating by accomplishing the military competency knowledge test. Therefore, Mr. Morris must comply with Title 14, CFR section 61.73(c)(1) and (2) to obtain a pilot certificate and ratings. The intent of Title 14, CFR section 61.73(c) allows for recognizing Mr. Morris' military flight experience (i.e., his logged flight/aeronautical experience). Per Title 14, CFR section 61.73(c)(1), Mr. Morris must ". . . Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; . . ." Otherwise, he is allowed to apply directly for a commercial pilot certificate with the appropriate aircraft and instrument ratings in accordance with Title 14, CFR section 61.123 [minus the requirements of paragraph (h) of Title 14, CFR section 61.123 of having to hold a private pilot certificate because he does ". . . meet the requirements of § 61.73(c)"].

We realize this is a change from the answer provided in Q&A 133 on the AFS-600's Q&A web site. As a result of your inquiry and a review of Q&A 133 by our Office of Chief Counsel, AGC-200, AGC has recommended this answer be changed to reflect their legal interpretation of Title 14, CFR section 61.73(c)(1) (i.e., ". . . Pass the appropriate knowledge and practical tests . . ."). Q&A 133 will be changed on the next update of our Q&A web site.

In accordance with Title 14, CFR section 61.73(c)(2), Mr. Morris must also ". . . Present documentation showing that . . ." he was a rated military pilot on active flying status in an armed force of the United States [i.e. Title 14, CFR section 61.73(b)(3)(i)]. Otherwise, Mr. Morris must have been a rated military pilot in an armed force of the United States at sometime in his life, but he just wasn't on active flying status within the preceding 12 calendar months prior to the month of application.

Answered by John M. Wensel, Manager, Certification Branch, AFS-840
{q&a-398}

QUESTION: Please advise how we may standardize the issuance of a pilot certificate based upon military competency in accordance with 14 CFR §61.73 and FAA Order 8700.1. Some FSDO's within the region are issuing FAA pilot certificates to new graduates of the U.S. Army helicopter flight training program. However, we believe this to be contrary to both part 61 and 8700.1 requirements.

These aviators cannot show that they possess the requirements of FAR 61.73 or FAA Order 8700.1 with their military documentation. They are being told by persons conducting written test preparation courses that they may present their written test results at any FSDO for immediate issue of a FAA pilot certificate. These aviators are not being told that they are required to possess the following pilot experience per FAA Order 8700.1, Chapter 28, Paragraph 5C:

Many years ago, the U.S. Army ceased providing solo flight time within their curriculum. Present day graduates have never been required to demonstrate single pilot proficiency . They have not been required to perform single pilot cockpit resource management, which would include those critical skills necessary to perform navigation and communications during cross country flights.

In the past, the student pilot flight time accrued during flight training was converted to PIC upon graduation. This is no longer the case. The present U.S. Army duty station designators are now "PC" for pilot-in-command or "PI" for co-pilot or other pilot duties. The student pilot flight time accrued during flight training is now being converted to "PI". All present day Army helicopters are mission equipped with two pilot crews. Aviators who are not on written orders assigning them as a pilot-in-command continue to log "PI" and MAY NOT log "PC". Even if we recognize the "PI" appointment as equivalent to a PIC designation, the applicant still DOES NOT POSSESS any experience that can be considered PIC.

Since these aviators do not possess any flight time as the sole occupant of an aircraft within their course of training, or have any documented military flight time as "PC", it is our opinion that they are not qualified to seek an FAA pilot certificate based upon the requirements outlined for military competence. These aviators should be required to wait until they have taken and passed

a military evaluation leading to the issuance of PIC designation. We have not been issuing pilot certificates unless military pilot-in-command flight time is properly documented.

ANSWER: Ref. §61.73(d)(1); These U.S. Army aviators should be issued their Commercial Pilot Certificate with a Rotorcraft-Helicopter and Instrument-Helicopter ratings, provided they present a completed DA Form 4507 (or whatever the current checkride recording form may be) and a copy of a printout of their Crewmember Training Record, DA Form 7122R or DA Form 759 (or whatever the current flight time recording form may be). The record must show that the aviator completed ". . . An official U.S. military pilot check and instrument proficiency check . . . during the 12 calendar months before the month of application."

The policy that was given on a similar question in answering Q&A 351. In essence, that military aviators (i.e., U.S. Army aviators) must have their military IPs complete the current or appropriate checkride form for recording completion of the checkride and make sure the box "PC" and "Instrument" is checked and the aircraft make and model is identified. Then provide this form along with a copy of a printout of their crewmember training record to the FAA that shows the pilot has completed ". . . An official U.S. military pilot check and instrument proficiency check . . . during the 12 calendar months before the month of application . . . ."

None of the military units had a problem with this practice. It is just the military's policy not to issue PIC orders to recently checked out aviators, but the checkrides are the same. The military has acknowledged that the PI and instrument checkride is the same for the PI pilots as it is for the PC pilots. This problem of military aviators graduating from flight school without having any solo PIC time is a result of the changing the kinds of aircraft flown by our military services. A majority of the military services' aircraft and missions today require multiple pilot crews. Another contributing factor is the military services changing their paperwork procedures by going to the computer-generated formats. My experience with the military, the U.S. Army paperwork gurus (and that also includes the other military services' paperwork gurus) continue to experiment with computer generated forms without regard to how it relates to our FAA requirements. However, the military services' constant experimentation with their computer generated forms shouldn't effect the privileges that we have historically granted to our military aviators.

When Part 61 was revised, effective August 4, 1997, there was no intent to revise the issuance requirements of our pilot certificates to U.S. military aviators. In fact, the old §61.73(d)(1) essentially said the same thing (i.e., ". . . passed an official United States military checkout as pilot in command . . ."). When an U.S. Army aviator receives a PI and instrument check, that U.S. Army aviator is in fact receiving the same as ". . . An official U.S. military pilot check and instrument proficiency check . . . as pilot in command . . ." [as per §61.73(d)(1)]. There is no difference in the checkrides. It is just the military's policy not to issue PIC orders to recently checked out pilots, but the checkrides are the same.
{q&a-366}

QUESTION: Per the F-18 Hornet's airplane flight manual (i.e., A1-F18AC-NFM-000, Interim Change 72, page IV-11-5, paragraph 11.4.6. "Single Engine Minimum Control Airspeed"), the F-18 should not be one of the airplanes that is listed as limited to center thrust under paragraph 19.E.(2)(h) of FAA Order 8700.1, Volume 2, Chapter 1, page 1-14. As it states

in A1-F18AC-NFM-000, Interim Change 72, page IV-11-5, paragraph 11.4.6. the paragraph is clearly marked "Single Engine Minimum Control Airspeed."

ANSWER: Ref. §61.73 and FAA Order 8700.1, Volume 2, Chapter 1, page 1-14, paragraph 19.E.(2)(h); The F-18 does not have a manufacturer's published Vmc speed.

Per 14 CFR §23.149, Vmc speed ". . . is the calibrated airspeed [emphasis added ". . . **is the calibrated airspeed** . . ."] at which, when the critical engine is suddenly made inoperative, it is possible to maintain control of the airplane with that engine still inoperative and thereafter maintain straight flight at the same speed with an angle of bank of not more than 5 degree."

No place in the F-18's airplane flight manual (A1-F18AC-NFM-000) does it list a manufacturer's published Vmc airspeed. The airplane flight manual merely refers to "Single Engine Minimum Control Airspeed" and provides some procedural and precautionary statements (i.e., ". . . flaps HALF, maintaining AOA at or below 12 degrees provides . . .") and a chart in computing single engine rate of climb, but no place does it show a manufacturer's published Vmc airspeed.

Therefore, the listing of the F-18 as being one of the airplanes limited to center thrust in paragraph 19.E.(2)(h) of FAA Order 8700.1 remains correct. For the record, the F-18 issue has been raised before and the military keeps making claims about "single engine minimum control airspeed." But they have yet to come up with a manufacturer's published Vmc speed. {q&a-361}

QUESTION: An Army Aviator is an active and current member of the Guard. While still on active duty, he received a commercial helicopter and instrument certificate based on military comp. After joining the Guard, he was sent to fixed wing transition in the King Air (U-21). He flew several years as a copilot. The Connecticut Army Guard has a standing policy that no part timer will be a Pilot-in-Command. He has since transferred to the AVCARD and receives a transition into the C-23. Still no PIC check because of the no PIC policy for part timers. Now he wishes to add airplane multiengine and airplane instrument to his pilot certificate based on military comp. How can we issue the military comp ratings to military pilots when they don't receive PIC status?

ANSWER: Ref. §61.73(d)(1); When Part 61 was revised, effective August 4, 1997, there was never any intent to revise the issuance requirements of our pilot certificates to U.S. military pilots. The rulemaking team only made clarifying kinds of changes to §61.73. In fact, the old §61.73(d)(1) essentially said the same thing (i.e., ". . . passed an official United States military checkout as pilot in command . . .").

Because of my past Army background, I know when a military pilot receives a PI and Instrument Rating check, he is in fact receiving ". . . An official U.S. military pilot check and instrument proficiency check . . . as pilot in command . . ." [as per §61.73(d)(1)]. The military has acknowledged that the PI and instrument checkride is the same for the PI pilots as it is for the PC pilots. It is just the military's policy not to issue PIC orders to recently checked out pilots, but the checkrides are the same.

So the advice that I have given to U.S. Army pilots are to have their IP complete a DA Form 4507 (I know that form is the old checkride form) and make sure the box PC and Instrument is checked to show the pilot has completed ". . . An official U.S. military pilot check and instrument proficiency check . . . during the 12 calendar months before the month of application." Make sure the aircraft make and model is identified. Then obtain a printout of their Crewmember Training Record, DA Form 7122R or DA Form 759 that shows the pilot has completed ". . . An official U.S. military pilot check and instrument proficiency check . . . during the 12 calendar months before the month of application." None of the military units have had a problem with this practice, because they still don't issue the pilot PC orders.

For the U.S. Air Force military pilot, I assume the AF Form 8 is still the U.S. Air Force's form for recording their official U.S. military pilot check and instrument proficiency check. And I don't know what the checkride forms are for recording U.S. Navy, U.S. Marine Corp, and U.S. Coast Guard pilot standardization and instrument proficiency checkrides. But whatever the form is for recording those checkrides will suffice, provided the contents shows the pilot satisfactorily accomplished ". . . An official U.S. military pilot check and instrument proficiency check . . . during the 12 calendar months before the month of application" and the aircraft make and model is identified
{q&a-351}

QUESTION: When we receive an FAA Form 8710-1 application using §61.73(d)(1) as a basis to qualify we need to know what aircraft was used to obtain the ratings. Section 61.73(d)(1) states as follows:

> (1) An official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if applicable, as pilot in command during the 12 calendar months before the month of application;

The FAA Form 8710-1 application block B(4) states that the applicant has flown at least 10 hours as PIC in the past 12 months, in some cases this statement may not be true. Until we can modify the FAA Form 8710-1 application, would it be possible for the Inspector/Examiner to provide the aircraft information on a separate sheet of paper (identifying the airman and signed by the Inspector/Examiner) and send it to AFS-760 with the application and temporary certificate. Our office must know what aircraft was used to obtain the rating(s), to insure the correct ratings are given.

ANSWER: Ref. §61.73(d)(1); Although FAA Order 8700.1, chapter 28, Figure 28-2 only lists one example where the aircraft (i.e., "C-130") is listed and the statement relates to ". . . 10 hours as pilot in command during the past 12 months . . ." But I agree per AFS-700's needs that block B 4 of Section II of the front of the FAA Form 8710-1 application can be easily "pen and ink" changed to apply to §61.73(d)(1). If anybody is hung up on the words, then just "pen and ink" the statement and change it to read "Per §61.73(d)(1) - C130." This way, if and when the FAA is ever called upon to verify the person's pilot certificate, it will have the information and will be able to answer any future inquires on what aircraft the military pilot received an official U.S. military PIC and instrument proficiency check in.

For the record, AFS-760 is developing a revised FAA Form 8710-1 application and this box (i.e., B 4) on the application is being changed to include a statement for the provisions of §61.73(d)(1).
{q&a-310}

QUESTION: After reading several FAQs pertaining to 61.73(c) I am left confused over who paragraph (c) pertains to. Could you please give an example of an applicant that COULD use 61.73(c)? Furthermore what is the definition of a "former rated military pilot"?

Based on the answers posted to the FAQ it seems that only a former military pilot that is still in the military, regardless of how long it has been since they flew, can use 61.73(c) to obtain a certificate. So a former military pilot that has not flown in two years but is still in the military can get their certificate but a military pilot who retired or got out two years ago cannot? What is the difference between these two pilots' qualifications? I do not read anywhere in 61.73 that still being in the military makes a difference. If you are a former rated military pilot, you are a former rated military pilot regardless of whether you are still in the military or not.

ANSWER: Ref. §61.73(b) and (c); Your statement "So a former military pilot that has not flown in two years but is still in the military can get their certificate but a military pilot who retired or got out two years ago cannot . . . ." is not correct.

"A rated military pilot or former rated military pilot who has been on active flying status within the 12 months before applying . . ." means, in effect, a person who has been on active military flying status in the preceding 12 calendar months and holds a current military aeronautical status. That person must only comply with §61.73(b)(1), (2), and (3) to obtain a pilot certificate and ratings.

> An example of a ". . . rated military pilot . . . who has been on active flying status within the 12 months before applying . . ." is a person who holds an active flying slot in an F16 squadron on September 1, 1997. It is now September 16, 1998 and his military aeronautical status is current. His aeronautical status is current ". . . within the 12 calendar months before the month of application . . ." that person ". . . has been on active flying status . . ." This pilot meets the definition of ". . . rated military pilot . . . who has been on active flying status within the 12 months before applying . . ." In this example, that pilot need only comply with §61.73(b)(1), (2), and (3).
>
> An example of a ". . . former rated military pilot who has been on active flying status within the 12 months before applying . . ." is a person who resigned from the military on September 1, 1997. It is now September 16, 1998. That "former rated military pilot" has been on active flying status within the 12 months before applying for his pilot certificate and ratings and thus only needs to comply with §61.73(b)(1), (2), and (3). Now if it had been October 1, 1998, that pilot becomes a ". . . former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . ." And thus, that pilot must comply with §61.73(c)(1) and (2).

"A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . ." means, in effect, a person who hasn't been on active military flying status in the preceding 12 calendar months and no longer holds a current military aeronautical status. That person must comply with §61.73(c)(1) and (2) to obtain a pilot certificate and ratings.

An example of a "former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . ." is where a military pilot re-signed from the military on August 1, 1997 after completing his/her assignment. It is now September 16, 1998 and my military aeronautical status lapsed on August 31, 1998 at 12 midnight. This pilot meets the definition of a ". . . rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . . ." And thus, this pilot must comply with §61.73(c)(1) and (2).

Or another example, at the completion of World War II, a "former rated military pilot" resigned from the U.S. Army-Air Corp on in September 30, 1945. It is now September 16, 1998. This is an example of a ". . . former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . ." And thus, this pilot must comply with §61.73(c)(1) and (2).

Another an example, I am a military pilot who has been re-assigned from an active piloting slot into a staff position at the Pentagon on August 1, 1997. It is now September 16, 1998 and my military aeronautical status lapsed on August 31, 1998 at 12 midnight. I have allowed my aeronautical status to lapse during my assignment as a staff officer and at no time ". . . within the 12 calendar months before the month of application . . ." can I show that I have been on active flying status. This pilot meets the definition of ". . . not on active flying status during the 12 calendar months before the month of application . . ." In this example, that pilot must comply with §61.73(c)(1) and (2).

As for your question "What is the difference between these two pilots' qualifications . . ." §61.73(b) applies to "A rated military pilot or former rated military pilot who has been on active flying status within the 12 months before applying . . ." and §61.73(c) applies to "A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application . . ."
{q&a-223}

QUESTION 1: Situation is, as for example, we have a military pilot who wants to apply for a Commercial Pilot Certificate, with an Airplane Multiengine Land rating, Instrument Airplane rating, and a B707/B720 type rating. However, that military pilot has never had an official U.S. military pilot check and instrument proficiency check in the C-135 (military version of the B707/B720) as a pilot in command during the 12 calendar months before the month of application [i.e., §61.73(d)(1)]. That military pilot has only had an SIC and instrument proficiency checkout in a C-135 during the 12 calendar months before the month of application. The military pilot is only qualified to serve as an SIC in the C-135. However, that military pilot has had "hands-on the controls time" in a C-135, but is only serving as the SIC.

Is it permissible for that military pilot to log that "hands-on the controls time" in a C-135 as PIC time, so he/she can qualify for a Commercial Pilot Certificate, with an Airplane Multiengine Land rating, Instrument Airplane rating, and a B707/B720 type rating under the provisions of §61.73(d)(2)?

ANSWER 1: Ref. §61.73(d)(1): The answer is **NO**, it is not permissible for that military pilot to log that "hands-on the controls time" in a C-135 as PIC time. That military pilot has never had an official **U.S. military** pilot check and instrument proficiency check in the C-135 **as a pilot in command** during the 12 calendar months before the month of application [i.e., §61.73(d)(1)]. Nor can that military pilot show us as having at least 10 hours of pilot-in-command time in that C-135 during the 12 calendar months before the month of application [i.e., §61.73(d)(2)]. Do not confuse the logging of PIC time, in accordance with §61.51(e), with the acting as PIC in accordance with §1.1. Logging PIC time is provided for by §61.51(e). The LEGAL requirements of acting as the PIC is addressed in §1.1.

QUESTION 2: If the military pilot is using subparagraph (1) or (2) of §61.73(d) to qualify, must the PIC time be military PIC time or can it be other than military time? I believe the question is "why not credit the military pilot PIC time based on FAR 1. The question goes on to acknowledge that although the military pilot may not be military PIC qualified and only copilot or first pilot, they might still qualify under FAR Part 1.

ANSWER 2: Ref. §61.73(d)(2); Again, the answer again is **NO**. Do not confuse the logging of PIC time, in accordance with §61.51(e), with the acting as PIC in accordance with §1.1.

In your scenario, the military pilot cannot legally log that time as PIC time. That military pilot has never had an official **U.S. military** pilot check and instrument proficiency check in the C-135 **as a pilot in command** during the 12 calendar months before the month of application [i.e., §61.73(d)(1)]. Nor does that military pilot have at least 10 hours of pilot-in-command time in that C-135 during the 12 calendar months before the month of application [i.e., §61.73(d)(2)]. {q&a-210}

QUESTION: §61.73(d); When a military pilot applies for a category, class, and type rating must they show 10 hours of MILITARY PIC time in the last 12 months. It is the feeling of some ASIs in PA that it is only necessary for the military pilots show PIC time as defined in FAR Part 1 and NOT have to be recognized as a military PIC. AFS-640 have been advising that it is necessary for military pilots to produce evidence of having been designated as a military PIC and flown in that capacity in the military for a minimum of 10 hours in the last 12 months.

Additional background: FAA Order 8700.1, Chapter 28, Page 28-1, paragraph 5 A (6) states that military records and PIC experience must be used as the basis of qualification for the ratings applied.

ANSWER: No, it is not a requirement for the military pilot applicant to show BOTH a U.S. military PIC checkout and also 10 hours of military PIC aeronautical experience. As per §61.73(d), it states:

(d) Aircraft category, class, and type ratings. A rated military pilot or former rated military pilot who applies for an aircraft category, class, or type rating, if applicable, is issued that rating at the commercial pilot certificate level if the pilot presents documentary evidence that shows
satisfactory accomplishment of:

(1) An official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if applicable, as pilot in command during the 12 calendar months before the month of application;

(2) At least 10 hours of pilot-in-command time in that aircraft category, class, or type, if applicable, during the 12 calendar months before the month of application; or

(3) An FAA practical test in that aircraft after--

(i) Meeting the requirements of paragraphs (b)(1) and (b)(2) of this section; and

(ii) Having received an endorsement from an authorized instructor who certifies that the pilot is proficient to take the required practical test, and that endorsement is made within the 60-day period preceding the date of the practical test.

Just like it says in §61.73(d), the military pilot applicant can show eligibility by showing compliance with subparagraph (1) OR by showing eligibility by compliance with subparagraph (2) OR by showing eligibility by compliance with subparagraph (3). But if the military pilot applicant ELECTS to qualify per the provisions of subparagraph (2), then yes that applicant must show ". . . 10 hours of pilot-in-command time IN THAT AIRCRAFT CATEGORY, CLASS, OR TYPE, IF APPLICABLE, during the 12 calendar months before the month of application . . . ."
{q&a-208}

QUESTION: §§61.153(d)(2) and 61.73(c); A former military (has been out of the U.S. Air Force for over 2 years) and is now seeking an Airline Transport Pilot certificate with an airplane multiengine land rating. He did not take advantage of obtaining a pilot certificate in accordance with §61.73 while he was in the military and he has now been off active flying status in the military for over 2 years. Can he apply directly for an ATP certificate in accordance with §61.153(d)(2) on the basis of being a former military pilot?

ANSWER: §61.73(c)(2); No, he may not apply directly for an ATP certificate. This former military pilot cannot comply with §61.73(c)(2), as in, ". . . (2) Present documentation showing that the applicant was, **before the beginning of the 12th calendar month before the month of application, a rated military pilot** as prescribed by paragraph (b)(3)(i) or paragraph (b)(3)(ii) of this section.

The former military pilot did not apply for an FAA pilot certificate within the time period permitted [as in §61.73(c)(2) ". . . before the beginning of the 12th calendar month before the month of application, a rated military pilot . . ."] So, this former military pilot may only use his military flight time to meet the aeronautical experience requirements of Part 61, but other than that he has to apply for his FAA pilot certificates just like any other non-military pilot. So first, he has to meet the required aeronautical experience requirements for Private Pilot Certification - §§61.103, 61.105, 61.107(a)(2), 61.109(b). Then next, he must meet the requirements for Commercial Pilot Certification - §§61.123, 61.125, 61.127(b)(2), and 61.129(b) and an Instrument Rating - §§61.65(a), (b), and (c) before he can even apply for an Airline Transport

Pilot certificate with an airplane multiengine land rating. Otherwise, his aeronautical experience must show he has received the required ground and flight training for a private pilot certificate and then take the required knowledge and practical test for a private pilot certificate. Then his aeronautical experience must show he has received the required ground and flight training for a commercial pilot certificate and then take the required knowledge and practical test for a commercial pilot certificate. And also his aeronautical experience must show he has received the required ground and flight training for an instrument rating and then take the required knowledge and practical test for an instrument rating.

Some of you may argue that it is ridiculous to make a former military pilot obtain the private pilot certificate first, and then obtain the commercial pilot certificate with an instrument rating before applying for an Airline Transport Pilot certificate with an airplane multiengine land rating. Section 61.73(c)(2) affords this relief to military pilots and former military pilots that were rated military pilots ". . . before the beginning of the 12th calendar month before the month of application . . ." Otherwise, the applicant was a rated military pilot within the past year before the month of application.

For the sake of argument, do you believe it is reasonable for a person who is a former military pilot during the World War II era to now come in and apply for an Airplane Transport Pilot Certificate in accordance with §61.73 some 50 years after he or she last flew an airplane in the military??? How about if it was only 40 years ago? How about if it was only 30 years ago? How about if it was only 5 years ago? I think you see what I am saying here. Anyway, §61.73 is only afforded to applicants who were rated military pilots ". . . before the beginning of the 12th calendar month before the month of application . . ."

The relief afforded military pilots and former military pilots by §61.73 recognizes the value of military flight training and aeronautical experience. However, military pilots who have not been involved in the military flight program, with all of its continuing training, proficiency flying, and evaluations for a period of 12 months or longer may not continue to retain a level of knowledge or skill equivalent to that of a private or commercial pilot. Therefore, it is necessary that former military pilots who have exceeded 12 calendar months [i.e., §61.73(c)(2)] since being assigned on military flying status complete the required training, knowledge tests, and practical tests. {q&a-153}

QUESTION: Is there possibly a contradiction in the language between FAR 61.73(d)(1) and FAR 61.73 (e)(1); (category vs. category & class verbiage)? Could a military (Navy or Marine Corps) pilot with a current NATOPS PIC check in the FA-18 and T-34C, but a NATOPS instrument proficiency check only in the FA-18, receive an ASEL rating at the commercial level?

ANSWER: Issuance of an airplane single engine land rating could only be issued if that military applicant could show compliance with either §61.73(d)(2) or (3) or (e)(2) in that T-43C airplane.

Reference §61.73(d):
(d) Aircraft category, class, and type ratings. A rated military pilot or former rated military pilot who applies for an aircraft category, class, or type rating, if applicable, is issued that rating at the

commercial pilot certificate level if the pilot presents documentary evidence that shows satisfactory accomplishment of:

(1) An official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if applicable, as pilot in command during the 12 calendar months before the month of application;

(2) At least 10 hours of pilot-in-command time in that aircraft category, class, or type, if applicable, during the 12 calendar months before the month of application; or

(3) An FAA practical test in that aircraft after--

(i) Meeting the requirements of paragraphs (b)(1) and (b)(2) of this section; and

(ii) Having received an endorsement from an authorized instructor who certifies that the pilot is proficient to take the required practical test, and that endorsement is made within the 60-day period preceding the date of the practical test.

Reference §61.73(e)(2):

(e) Instrument rating. A rated military pilot or former rated military pilot who applies for an airplane instrument rating, a helicopter instrument rating, or a powered-lift instrument rating to be added to his or her commercial pilot certificate may apply for an instrument rating if the pilot has, within the 12 calendar months preceding the month of application:

(1) Passed an instrument proficiency check by a U.S. Armed Force in the aircraft category for the instrument rating sought; and

(2) Received authorization from a U.S. Armed Force to conduct IFR flights on Federal airways in that aircraft category and class for the instrument rating sought.

{q&a-113}

QUESTION 11: §61.73 does not require a military pilot, even one from an ICAO country [i.e., §61.73(b)(3)(ii)] to be able to "read, speak, write, and understand the English language."

ANSWER 11: It is too late to change the rule now. However, we don't believe there is an existing problem that would require to change the rule.

{q&a-30}

QUESTION 1: The situation involves a rated military pilot who has not flown in the last 12 months (has had a staff job for the last 18 months) and now is requesting to take the ATP practical test in a Cessna 310. This rated military pilot never got around to taking the military competency test and now wants to apply for an ATP certificate. What are the requirements?

ANSWER 1: The rules in Part 61 that address this question are addressed in §61.153(d)(2) and 61.73(c) and (b)(3)(i) or (ii) and they states as follows:

§61.153(d)(2) states:

(2) **Meet the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating** if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or

§61.73(c) states:

(c) Military pilots not on active flying status during the 12 calendar months before the month of application. A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application must:

(1) **Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought**; and

(2) Present documentation showing that the applicant was, before the beginning of the 12 calendar month before the month of application, a rated military pilot as prescribed by paragraph (b)(3)(i) or (b)(3)(ii) of this section.

§61.73(b)(3)(i) and (ii) states:

(3) Present documentation showing that the applicant is or was, at any time during the 12 calendar months before the month of application —

(i) A rated military pilot on active flying status in an armed force of the United States; or

(ii) A rated military pilot of an armed force of a foreign contracting State to the Convention on International Civil Aviation, assigned to pilot duties (other than flight training) with an armed force of the United States and holds, at the time of application, a current civil pilot license issued by that contracting State authorizing at least the privileges of the pilot certificate sought.

Otherwise in answer to your specific question, if the applicant "Meets the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating . . ." needs to meet the aeronautical experience requirements of §61.159, pass the ATP-Airplane knowledge test, and pass the ATP-AMEL practical test.
{q&a-43}

QUESTION 1: A military pilot on active flying status within the past 12 months, holding a Civilian PRIVATE PILOT AIRPLANE certificate, meets the eligibility requirements to take an ATP flight test. He does not hold instrument rating. He wants to bypass the commercial/instrument certificate and rating and go directly to the ATP knowledge and practical test. He cites 61.153d(2) which states, "Meet the military experience requirements under 61.73 of this part to "QUALIFY" for a commercial pilot certificate and an instrument rating ....."

ANSWER 1: Yes he can bypass the commercial and instrument and go directly to the ATP. Read §61.153(d)(2).

QUESTION 2: Can the airman bypass commercial/instrument and take the ATP test?

ANSWER 2: Yes he can bypass the commercial/instrument; Read §61.153(d)(2).

QUESTION 3: Does he take the military commercial/instrument knowledge test?

ANSWER 3: No he does not need to take the military comp. Read §61.153(f).

QUESTION 4: Does 61.73(c)(1), Pass the appropriate knowledge and practical tests.... apply to this person?

ANSWER 4: No, it does not apply. He is taking an ATP, so review §61.153 which is the rule that establishes the eligibility requirements for the ATP
{q&a-29}

61.75

CORRECTION: This correction to Q&A #348 reflects General Counsel interpretation that allows holders of Taiwanese private pilot certificates (or higher level) to apply for US restricted private pilot certificates per §61.75.

QUESTION: Since Taiwan is not an ICAO member state do they have a note from home that would allow a holder of a Taiwan ATP or commercial pilot to qualify for a U.S. pilot certificate under §61.75 or §61.153(d)(3)? I know that in our bilateral agreements with Taiwan we expect them to maintain ICAO Standards and Recommended practices.

Taiwan is not an ICAO member country listed in FAA Order 8700.1 [See page 29-9 of FAA Order 8700.1]. At one time Taiwan was recognized by the United States as the only China, but President Carter, by decree, changed all that by only recognizing the Peoples Republic of China as the only China.

How can this rule (as well as the other FAR's such as 61.75) be changed so as to give Taiwanese license holders proper recognition? As an initial matter, I would suggest that the FAA be granted the power to make a special determination that a particular state should be recognized as if it were an ICAO member. This would then allow the FAA to determine that Taiwan should be treated in the same way as ICAO members. A NPRM would be necessary for this.

I would appreciate your views. I would also appreciate it if you could tell me who, within the FAA, should be further consulted on this matter.

ANSWER: Ref. §61.75(a); §61.153(d)(3); and FAA Order 8700.1, page 29-9; Even though Taiwan is no longer an ICAO member country, a person who holds a Taiwanese pilot certificate of at least at the private pilot certificate level or higher, may apply for a U.S. private pilot certificate on the basis of §61.75. And a person who holds an Taiwanese airline transport pilot license or a Taiwanese commercial pilot license and an instrument rating, without limitations, may apply for a U.S. ATP certificate under §61.153(d)(3). The basis for this answer is provided by the following legal interpretation from:

Jeffrey A. Klang; Senior Attorney; International Affairs & Legal Policy, AGC-7, Washington, DC, dated November 15, 2000

SUBJECT: Taiwanese Pilot Certificates Used for U.S. Pilot Certificates

You have asked whether Taiwanese pilot certificates may be used for applying for a U.S. airline transport pilot certificate under § 61.153(d)(3) or a private pilot certificate under § 61.75(a) of the Federal Aviation Regulations.

Both regulations allow for the issuance of an FAA pilot certificate to a person who holds a current foreign pilot certificate issued by a contracting State to the Chicago Convention. Such contracting States are required to comply with the minimum licensing requirements found in Annex 1 to the Chicago Convention, unless they file a difference with ICAO. These two FAA rules make reference to a contracting State to the Chicago Convention to ensure that a foreign pilot, making a request for an FAA

certificate on the basis of his or her foreign certificate, has been certificated to the minimum international standards found in Annex 1.

The FAA has long taken for granted that the contracting States to the Chicago Convention (185 States to date) meet their international obligations, particularly with respect to licensing. On the other hand, the FAA, in the past, could not be sure of the licensing standards followed by States that were not contracting States to the Chicago Convention (of which there are only a handful). In the past several years, however, the FAA has assessed the safety oversight capabilities of many States, both contracting States and non-contracting States.

As a result of these assessments, the FAA has found that some contracting States do not meet their international obligations, particularly with respect to the licensing requirements in Annex 1. Consequently, the FAA has had to take certain actions with respect to the operators from such States. In addition, the FAA has assessed some non-contracting States and found that those States meet the international standards found in Annex 1. The FAA has allowed operators from such States to continue operations into the United States, recognizing that their pilots are certificated in accordance with the minimum international standards, even though they are from non-contracting States.

Of course, the FAA realizes that some States are prohibited for political reasons from becoming contracting States to the Chicago Convention. Taiwan is such a State. Nevertheless, the FAA has assessed the safety oversight capabilities of Taiwan's Civil Aviation Authority and has found that they meet international standards, including the licensing standards found in Annex 1. Consequently, even though Taiwan is not a contracting State to the Chicago Convention, the FAA has found that they meet ICAO standards and we treat them as we do any other contracting State that meets international standards.

Therefore, it is the opinion of this legal office that pilots licensed in Taiwan, or any other non-contracting State to the Chicago Convention that is found to meet the international standards found in Annex 1, shall be treated as if they were pilots licensed in a contracting State. This interpretation is consistent with the approach the FAA has taken for at least the last 10 years.
{q&a-348}

QUESTION: I have situation where a foreign pilot holds a Netherlands recreational pilot license that does not contain a ICAO limitation. However, the person's Netherlands recreational pilot license does limit the use of the license to ". . . VFR flights in the Netherlands and to some portions of Germany and Belgium under special arrangements." The applicant is now applying for a U.S. pilot certificate on the basis of §61.75 which states "… holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation …"

Do we issue a U.S. recreational pilot certificate or a private pilot certificate?

ANSWER: Ref. §61.75(b)(2)(ii) and (e)(3); Do NOT issue any pilot certificate to this applicant. The applicant does not qualify for our U.S. private pilot certificate.

If the person only holds a recreational pilot license, then as per §61.75(b)(2)(ii), ". . . applicant has not met all of the standards of ICAO for that license . . ." which means he has not met the ICAO standards for the private pilot certificate.

Your question highlights an unfortunate oversight when Part 61 was rewritten in 1997. The old §61.75(b) had the provisions that stated ". . . An applicant who holds a **private pilot license** is

issued a private pilot certificate, and an applicant who holds a foreign commercial, senior commercial, or airline transport pilot license is issued a commercial pilot certificate, if-. . . ." However, when §61.75 was rewritten, we only permitted the issuance of the U.S. private pilot certificate regardless of higher level foreign pilot license held. It was not anticipated that any country other that the United States had or would have a pilot license level less than a private pilot, e.g., recreational pilot license.

Even if a restricted U.S. private pilot certificate were issued, the certificate would be **useless**. Section 61.75(e)(3) states in pertinent part ". . . Is subject to the limitations and restrictions on the person's U.S. certificate **and foreign pilot license** when exercising the privileges of that U.S. pilot certificate . . ." There is no possibility of complying to the limitations: ". . . VFR flights in the Netherlands and to some portions of Germany and Belgium under special arrangements" while operating in the United States.
{q&a-352}

QUESTION: A Swiss pilot makes application for a Restricted US. Private Pilot certificate based on his Swiss Private Pilot certificate. However, during the review of his pilot logbook, it was noted that he did not meet the requirements of 14 CFR part 61 section 61.109(a)(3), which requires 3 hours of flight training maneuvering the airplane solely by reference to instruments. When question by the inspector about hood time and instrument training the pilot said he did not receive that kind of training.

Can the FAA inspector still issue the US pilot certificate based on the Reciprocal Agreement or must the applicant completed the 3 hours of flight training and presented a properly endorsed logbook before we can issue the US Restricted pilot certificate?

ANSWER: Ref. §61.75(b)(1); The answer is yes, the §61.75 U.S. private pilot certificate may be issued. And the person does not need to complete 3 hours of flight training maneuvering the airplane solely by reference to instruments or present a logbook endorsement. The rationale is that no place in §61.75 does it require that these foreign pilots meet our U.S. aeronautical experience requirements to be issued a restricted U.S. private pilot certificate. They only need to comply with §61.75.
{q&a-346}

QUESTION: We have a question concerning exercise of privileges of a Restricted US Private Pilot Certificate (issued on the basis of a foreign license) using a valid US part 67 medical certification. Assuming the foreign license has expired, due to a lapse of the foreign medical certification on that license, could the airman still exercise the privileges of the Restricted US certificate, if he holds a valid US medical certificate?

ANSWER: Ref. §61.75(b)(4); Yes, it is acceptable for the foreign pilot, when exercising the U.S. pilot certificate and his foreign pilot license has not been revoked or suspended, to only hold a current medical certificate issued under part 67 of this chapter. Section 61.75(b)(4) permits the issuance of the U.S. private pilot certificate by the person holding either ". . . a current medical certificate issued under part 67 of this chapter or a current medical certificate issued by the country that issued the person's foreign pilot license . . ." Only in

§61.75(e)(4) does it place restrictions on the use of the U.S. pilot certificate and that is only ". . . when the person's foreign pilot license has been revoked or suspended . . ."
{q&a-331}

QUESTION: Situation is I have a Brazilian foreign pilot who holds a Brazilian Private Pilot Certificate that is not current because he has not completed his Brazilian flight review. He is wants to make application for a U.S. private pilot certificate on the basis of him holding a Brazilian Private Pilot Certificate. If he completes our U.S. §61.56 flight review given by a U.S. flight instructor will that suffice for allowing us to issue him a U.S. private pilot certificate?

ANSWER: Ref. §61.75(a); The answer is no, a U.S. flight instructor may not administer a §61.56 flight review to make the person's foreign pilot license current. And the reasoning here is that it would not be acceptable for a foreign flight instructor to administer a §61.56 flight review to a U.S. pilot and make the U.S. pilot certificate current. This Brazilian pilot will need to get his Brazilian pilot license current by taking a flight review with a Brazilian flight instructor holder and then make application for our U.S. private pilot certificate.

Per §61.75(a), it states, in pertinent part, ". . . person who holds a **current foreign pilot license** . . . may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section." This foreign pilot does not hold a **current** foreign pilot license.
{q&a-323}

CORRECTION: In the original Q&A-171 we indicated that Yugoslavian pilots were not eligible for US Restricted certificates or Standard ATP certificates on the basis of Yugoslavian pilot licenses. This was incorrect information.

QUESTION: We have several foreign persons who have applied for a U.S. ATP pilot certificate under the provisions of §61.153(d)(3). These foreign persons hold pilot certificates from the former country of Yugoslavia. The country of Yugoslavia no longer exists. The former country of Yugoslavia is now broken up into: 1. Bosnia and Herzegovnina; 2. Croatia; 3. Macedonia; 4. Slovenia; 5. Kosovo; 6. Montenegro; and 7. Serbia

Are these foreign persons permitted to apply for a U.S. ATP pilot certificate on the basis of holding a Yugoslavian pilot certificate in accordance with §61.153(d)(3)?

And a follow-on question, are these foreign persons permitted to apply for a U.S. pilot certificate on the basis of holding a Yugoslavian pilot certificate in accordance with §61.75?

ANSWER: Ref. §61.75(a) and §61.153(d)(3) and FAA Order 8700.1, Volume II, page 29-1, paragraph 5.A and FAA Order 8710-3C, page 5-15, paragraph 53.A. Yes, a holder of a Yugoslavian pilot certificate may apply for a U.S. pilot certificate under §61.75(a) and §61.153(d)(3), as appropriate.

Specifically in FAA Order 8700.1, Volume II, page 29-1, paragraph 5.A and FAA Order 8710-3C, page 5-15, paragraph 53.A, it states:

"Due to rapidly changing national boundaries and identities, an airman may present a pilot license issued by a country who geographical identity has changed. If the country was an ICAO member state under a different name at the time the valid license was issued, the ICAO status of the license is acceptable regardless of the country's change of identity and/or name."

The country of Yugoslavia was at one time an ICAO member state and was listed in the list of ICAO Member States in FAA Order 8700.1 on page 29-8 and 29-9.
{q&a-171}

QUESTION 1: Situation is: A foreign pilot holds a U.S. Private Pilot Certificate based on his foreign license. He adds an Instrument Airplane rating (U.S. test passed). He is now training for an unrestricted U.S. Commercial Pilot Certificate. His foreign license prohibits night flying. The night flying prohibited limitation on the foreign pilot license is not a result of medical reasons. With this night flying prohibited limitation, how can this applicant obtain the night solo experience required by §61.129(a)(4)(ii) for the Commercial Pilot Certificate?

ANSWER 1: Ref. §61.129(a)(4)(ii), §61.87(m); and §61.75(e)(3); The applicant can do it in one of two ways:

a. The applicant may go back to his foreign country and get the night restriction removed off his foreign pilot license.

or

b. The applicant may merely get with his flight instructor and comply with §61.87(m) which means he receives:

(1) Flight training at night on night flying procedures that includes takeoffs, approaches, landings, and go-arounds at night at the airport where the solo flight will be conducted;

(2) Navigation training at night in the vicinity of the airport where the solo flight will be conducted; and

(3) An endorsement in the student's logbook for the specific make and model aircraft to be flown for night solo flight by an authorized instructor who gave the training within the 90-day period preceding the date of the flight.

Once the applicant receives the logbook endorsement for operating the ". . . specific make and model aircraft to be flown . . ." then he can begin operating the aircraft at night for logging the night solo aeronautical experience for meeting the Commercial Pilot Certificate requirements of §61.129(a)(4)(ii).

QUESTION 2: Does a foreign pilot who holds a U.S. private pilot certificate that was issued on the basis of him holding a foreign pilot license meet the requirements of §61.123(h)

ANSWER 2: Ref. §61.123(h); The answer is yes a foreign pilot who holds a U.S. private pilot certificate that was issued on the basis of holding a foreign pilot license meets the requirements of §61.123(h) [i.e., "(h) Hold at least **a private pilot certificate issued under this part** or meet the requirements of §61.73;"]. And a U.S. private pilot certificate that was issued under §61.75 is **a private pilot certificate issued under this part**!
{q&a-294}

QUESTION: I have a person who holds a foreign pilot license who is requesting a U.S. private pilot certificate as permitted by §61.75. However, a question has come up as to the meaning of §61.75(b)(2)(i) where it states:

> (i) Is not under an order of revocation or suspension by the foreign country that issued the foreign pilot license;

Does this mean that before a U.S. private pilot certificate may be issued, in accordance with §61.75, that the foreign pilot must show proof that his or her foreign pilot license is not under an order of revocation or suspension? If so, how can a foreign pilot provide proof that his or her license is not under an order of revocation or suspension?

ANSWER: Ref. §61.75(b)(2)(i); No, the person is not required to show proof that his or her foreign pilot license is not under an order of revocation or suspension. In the United States, there is a presumption of innocence until proven guilty. And anyway, put yourself in the foreign pilot's situation how would you prove that your U.S. pilot certificate was not under an order of revocation or suspension by the FAA if the tables were turned. The rule was NEVER intended to require an applicant to show proof that his or her foreign pilot license is not under an order of revocation or suspension to apply for a U.S. pilot certificate under §61.75. Now if the FAA learns after a U.S. pilot certificate was issued that the foreign pilot's license was under an order of revocation or suspension, then a violation should be filed against that person. However, I do believe it would be prudent for the FAA to have their Aviation Safety Inspectors to at least discuss the provisions of §61.75 before issuing a U.S. pilot certificate to a foreign pilot.

The reason the FAA created §61.75(b)(2)(i) during the rewrite of Part 61 was to respond to a finding of a court hearing in which the FAA filed a violation against a foreign pilot on the basis of the old §61.13(f). It was later learned that the foreign pilot license was under an order of suspension in his country and the FAA sought the return of that U.S. pilot certificate. It was reported that the legal arguments on the basis of the old §61.13(f) were considered weak and so the FAA created §61.75(b)(2)(i) to make it easier for ourselves in court.
{q&a-290}

QUESTION: Per §61.75(b)(2)(i), it states:

> "(i) Is not under an order of revocation or suspension by the foreign country that issued the foreign pilot license;"

Does this mean that when a person requests a U.S. Private Pilot Certificate on the basis of holding a foreign pilot license that he/she must show that their foreign pilot license "Is not under an order of revocation or suspension by the foreign country . . ."

ANSWER: Ref. §61.75(b)(2)(i); No, a person does not have to show that their foreign pilot license is not under an order of revocation or suspension. I doubt very seriously that a person or his or her government could produce such a document to prove their pilot certificate is not under an order of revocation or suspension. I know if the foreign aviation authority reciprocated on our U.S. airmen they couldn't produce such a document from the FAA. So the answer is no, a foreign pilot does not need to prove to us that their pilot certificate is not under an order of revocation or suspension.

When §61.75 was changed back in August 1997, the only reason we established §61.75(b)(2)(i) was because the Chief Counsel's Office in the Eastern Regional Office had lost a court case over the old §61.13(g)(1) [New §61.13(d)] to a foreign pilot who was wanting to be issued a U.S. pilot certificate while his foreign pilot certificate was under an order of revocation or suspension. We initially declined to issue it, because the applicant's foreign pilot license was under an order of suspension. However, the judge in that case, in his infamous wisdom, ruled that the certificate could be issued because §61.75 did not specifically prohibit the issuance of the U.S. pilot certificate. So, we then issued §61.75(b)(2)(i) in response to that ruling.

A similarity here, all pilots must comply with §61.13(d) [old §61.13(g)(1)] and we don't ask U.S. airmen to prove their pilot certificates are not under an order of revocation or suspension. Do we? So, we shouldn't be asking foreign pilots to prove their foreign pilot certificate are not under an order of revocation or suspension either. We're taking enough flak over the English language and Private Pilot requirements, so let's not give the international community more reason to be upset with us.
{q&a-271}

SITUATION: We have a foreign pilot who holds a restricted §61.75 US Private Pilot Certificate-Airplane Single Engine Land rating that was issued because the pilot holds a foreign pilot license. The pilot has no Instrument Rating.

QUESTION 1: In order for this foreign pilot to obtain a US Private Pilot certificate, unrestricted, must he pass a Private Pilot-Airplane knowledge test?

QUESTION 2: In order for this foreign pilot to obtain an Instrument Rating on that unrestricted US Private Pilot certificate must he pass an instrument knowledge test?

ANSWER: The simple answer for both your questions are if foreign pilots want an unrestricted U.S. pilot certificate/rating, then they must comply with our pilot certification requirements JUST LIKE OUR U.S. CITIZENS ARE REQUIRED TO DO when they apply for a U.S. pilot certificate/rating. The history behind why the FAA issues §61.75 Private Pilot Certificates is to fulfill our bilateral agreements to ICAO where we have agreed to recognize other member states' pilot licenses in exchange for them recognizing our U.S. pilot certificates. Secondly, the purpose for issuing §61.75 US restricted Private Pilot Certificates is to permit foreign pilots to fly our U.S. registered aircraft while they're visiting the United States. Again, if a foreign pilot wants an unrestricted U.S. pilot certificate, then they must comply with our pilot certification requirements, JUST LIKE OUR U.S. CITIZENS ARE REQUIRED TO DO when they apply for a U.S. pilot certificate. If a foreign pilot only accomplishes a practical test to get

the statement "U.S. Test Passed" on their §61.75 Private Pilot Certificate, that pilot gets nothing more than private pilot privileges.

So the answer is yes, a foreign pilot who makes application for obtaining an UNRESTRICTED U.S. pilot certificate must first have received the required ground training, receive an endorsement from an authorized instructor to take the knowledge test, pass the knowledge test, received the required flight training, receive an endorsement from an authorized instructor to take the practical test, and pass the practical test. JUST LIKE OUR U.S. CITIZENS ARE REQUIRED TO DO when they apply for a U.S. pilot certificate.

ANSWER 1: Ref. §61.103(e); Yes, in order for a foreign pilot to obtain a US Private Pilot certificate, unrestricted, he/she must pass a Private Pilot-Airplane knowledge test.

ANSWER 2: Ref. §61.65(a)(7); Yes, in order for a foreign pilot to obtain an Instrument Rating on an US Private Pilot certificate, that is unrestricted, he/she must pass the appropriate Instrument Rating knowledge test.

QUESTION 3: Slightly different scenario but the situation is the foreign pilot DOESN'T HOLD an instrument rating on his/her foreign pilot license. In order for this foreign pilot to obtain an Instrument Rating on the restricted §61.75 US Private Pilot Certificate, is it possible for the foreign pilot to obtain an Instrument Rating?

ANSWER 3: Ref. §61.75(d) and §61.65(a)(1) through (8); Well on the basis of the provisions of §61.75(d), the foreign pilot in this scenario would not be eligible to make application for an Instrument Rating to be included on the US restricted Private Pilot Certificate merely taking the Instrument Foreign Pilot knowledge test. As the it states in §61.65(d), in pertinent part, ". . . A person who holds an instrument rating on the foreign pilot license . . ." But, you said the person "DOESN'T HOLD an instrument rating on his/her foreign pilot license." However, provided a foreign pilot complies with the appropriate provisions of §61.65, then that foreign pilot is permitted to make application for our Instrument Rating. But he has to do JUST LIKE OUR U.S. CITIZENS ARE REQUIRED TO DO (including knowledge and practical tests) when they apply for a U.S. Instrument Rating. The resulting RESTRICTED certificate would show INSTRUMENT AIRPLANE (US TEST PASSED).
{q&a-262}

General Guidance on §61.75:

1. The original purpose for the establishment of §61.75 was to:

   a. Meet our ICAO commitments where the U.S. has agreed to recognize other ICAO member countries' pilot certificates and ratings; and

   b. Permit foreign pilots to operate U.S. registered aircraft in the United States.

2. As of August 4, 1997, all ratings applied for on the basis of §61.75 will be for Private Pilot Privileges Only.

3. If a foreign pilot wants an unrestricted U.S. pilot certificate then that foreign pilot must comply with the same Part 61 requirements as a U.S. citizen.

QUESTION 1: What are the limitations and restrictions that are required to be placed on a U.S. restricted pilot certificates that are issued on the basis of a foreign pilot license, per §61.75? Since some foreign pilot licenses have various limitations such as "night limitation." "weight limitation", make and model limitation, etc. do we need to place those same limitations on the U.S. restricted pilot certificate that is being issued?

ANSWER 1: Ref. §61.75(e)(3); There are two possible answers to your question depending on whether this situation is for:

1a) Initial issuance of a U.S. restricted Private Pilot Certificate.
1b) Re-issuance of a U.S. restricted Commercial Pilot Certificate.

ANSWER 1a: The first answer is, if it's a restricted US Private Pilot Certificate that is being issued, then the only limitations are:

Issued on the basis of and valid only when accompanied by (name of country) license No. _____. All limitations and restrictions on the (name of country) pilot license apply.

Therefore, as an example, a foreign pilot is applying for a restricted U.S. Private Pilot Certificate that is being issued on the basis of that person holding a foreign pilot license (private or higher) with an Airplane Single Engine Land rating. The restricted U.S Private Pilot Certificate would read as follows:

Private Pilot
Airplane Single Engine Land
Issued on the basis of and valid only when accompanied by (name of country) license No. _____. All limitations and restrictions on the (name of country) pilot license apply.

ANSWER 1b: If the question involves a re-issuance of a restricted U.S. Commercial Pilot Certificate (the original restricted U.S. Commercial Pilot Certificate was issued prior to rewrite of Part 61 on August 4, 1997), then that requires another answer. With the new §61.75, it requires any new ratings be issued for Private Pilot Privileges regardless of the level of foreign pilot license held. Now we won't take away the certificate level of the restricted U.S. pilot certificate, but any new ratings will be issued for Private Pilot privileges only. Therefore, if a person had been previously issued a restricted U.S. Commercial Pilot Certificate (and that certificate was issued prior to August 4, 1997), then that person is allowed to continue to hold that restricted U.S. Commercial Pilot Certificate. But any new ratings will be issued at Private Pilot privileges only.

For an example, a foreign pilot holds a restricted U.S. Commercial Pilot Certificate (that was issued prior to August 4, 1997) with Airplane Single & Multiengine Land Rating and Instrument Airplane (U.S. Test Passed). The applicant has since obtained an Airplane Single Engine Sea

rating in his home country and is now returned to the United States and is applying to have that ASES rating added to his restricted U.S. Commercial Pilot Certificate. The re-issuance of the restricted U.S. Commercial Pilot Certificate would read as follows:

Commercial Pilot Certificate
Airplane Single & Multiengine Land
Instrument Airplane (U.S. Test Passed)
Private Pilot Privileges - Airplane Single Engine Sea
Issued on the basis of and valid only when accompanied by (name of country) pilot license No. _____. All limitations and restrictions on the (name of country) pilot license apply. Not valid for the carriage of persons or property for compensation or hire or for agricultural aircraft operations.

The reason we have to continue to place the above limitations on the reissued U.S. restricted Commercial Pilot Certificates is because it's the only way to describe the limitations and privileges afforded these reciprocity certificates. These restricted U.S. Commercial Pilot Certificate holders are not afforded the same privileges that are permitted to unrestricted U.S. Commercial Pilot Certificate holders under §61.133.

QUESTION 2: Situation, we have a holder of a Mexican pilot license who was issued (prior to August 4, 1997) the following restricted U.S. Commercial Pilot Certificate and ratings with an ASEL rating and Instrument-Airplane (U.S. Test Passed) and who holds the following the Mexican Commercial Pilot License:

U.S.	Mexico
Commercial Pilot Certificate	Commercial Pilot License
Airplane Single Engine Land	Airplane Single & Multiengine Land
Instrument-Airplane (U.S. Test Passed)	Instrument-Airplane

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.
Issued on the basis of and valid only when accompanied by Mexican License No. 5551212.
All limitations and restrictions on the Mexican Pilot License apply.

This foreign pilot now wants to add an AMEL rating onto his existing restricted U.S. Commercial Pilot Certificate by taking a practical test (i.e., U.S. Test Passed). Is this applicant required to meet the aeronautical experience requirements of §61.129(b)? If so, is the applicant required to show the appropriate aeronautical experience requirements on the submitted FAA Form 8710-1, Airman Certificate and/or Rating Application?

ANSWER 2: Ref. §61.75(a) and FAA Order 8700.1, Volume 2, page 29-2, paragraph 5.H.(4) and M; The answer is the applicant cannot qualify for the AMEL rating at the Commercial Pilot Certificate level by only taking the Commercial Pilot-AMEL practical test. The applicant can only qualify for the AMEL rating for Private Pilot privileges. Therefore, the applicant is not required to meet the aeronautical experience requirements of §61.129(b), but is required to meet the aeronautical experience requirements of §61.109(b). And yes, the applicant

is required to show the aeronautical experience requirements of §61.109(b) on the submitted FAA Form 8710-1, Airman Certificate and/or Rating Application.

The re-issued restricted U.S. Commercial Pilot Certificate will read as follows:

Commercial Pilot Certificate

Airplane Single Engine Land
Private Pilot Privileges - Airplane Multiengine Land (U.S. Test Passed)
Instrument-Airplane (U.S. Test Passed)
Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.
Issued on the basis of and valid only when accompanied by Mexican License No. 5551212. All limitations and restrictions on the Mexican Pilot License apply.

NOTE 1: Ref. §61.75(c); In this situation, the foreign pilot has sought to add the AMEL rating by taking the Private Pilot-AMEL practical test, but the pilot could have simply applied to add the AMEL rating on the basis that he holds an AMEL rating on his foreign pilot license and no practical test would've been involved. As per FAA Order 8700.1, Volume 2, page 29-2, paragraph 5. M which states, in pertinent part:

". . . However, if the applicant requests that a rating be added to the restricted U.S. certificate on the basis of that rating having been added to his/her foreign pilot license by the issuing country, no knowledge or practical test is required."

NOTE 2: Ref. §61.123; The situation here is the applicant is applying to add an AMEL rating to his restricted U.S. Commercial Pilot Certificate by only taking a practical test. Therefore, the applicant will receive the connotation "U.S. Test Passed" for Private Privileges Only. If the applicant wants an AMEL rating at the Commercial Pilot Certificate level, then the applicant must comply with the requirements of Subpart F of Part 61 just like any U.S. citizen would be required to do. Which means, the foreign pilot must comply with §61.123 (i.e., receive the required ground and flight training and satisfactorily accomplish the required knowledge and practical test). And then he'll be issued a unrestricted U.S. Commercial Pilot Certificate with an AMEL rating and Instrument-Airplane rating.

NOTE 3: In order for the applicant's rating "Private Pilot Privileges - Airplane Multiengine Land (U.S. Test Passed)" listed above to not be issued with the limitation "VFR Only" the applicant must have complied with the requirement in the Private Pilot-AMEL PTS (i.e., page 2-i) which states "If the applicant is instrument rated and instrument competency in a multiengine airplane has not been previously demonstrated, TASKS B, C, and D may be performed at this time, otherwise VFR ONLY restriction shall be specified on the issued certificate.

QUESTION 3: The situation is a holder of a Mexican pilot license who wants to apply for an unrestricted U.S. Commercial Pilot Certificate with an AMEL rating and Instrument-Airplane rating. The pilot currently holds a restricted U.S. Commercial Pilot Certificate that reads as follows:

Commercial Pilot Certificate

Airplane Single Engine Land
Private Pilot Privileges - Airplane Multiengine Land (U.S. Test Passed)
Instrument-Airplane (U.S. Test Passed)
Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations. Issued on the basis of and valid only when accompanied by Mexican License No. 5551212. All limitations and restrictions on the Mexican Pilot License apply.

What are the requirements for this pilot to receive an unrestricted U.S. Commercial Pilot Certificate with an AMEL rating?

ANSWER 3: Ref. §61.123; The pilot is required to comply with the same requirements as a U.S. citizen is required to do when applying for a U.S. Commercial Pilot Certificate. The pilot must comply with the requirements of Subpart F of Part 61 just like any U.S. citizen is required to do. Which means, the pilot must comply with §61.123 (i.e., receive the required ground and flight training, receive the required instructor endorsements, and satisfactorily accomplish the required knowledge and practical tests). So, once the pilot complies with the certification requirements of §61.123, he would receive an unrestricted U.S. Commercial Pilot Certificate that would read:

Commercial Pilot Certificate
Airplane Multiengine Land
Instrument-Airplane

NOTE 1: The rating "Instrument-Airplane" has been placed on the unrestricted U.S. Commercial Pilot Certificate, because in this situation the applicant complied with the requirement of the Commercial Pilot-AMEL PTS (i.e., page 2-v) which states "If the applicant is instrument rated and instrument competency has been previously demonstrated in a multiengine airplane, AREA OF OPERATION IX, TASKS A, B, AND C need not be demonstrated." Otherwise, the applicant must demonstrate proficiency on AREA OF OPERATION IX, TASKS A, B, AND C in the multiengine land airplane to gain instrument privileges in the multiengine land airplane.

NOTE 2: In this situation, the foreign pilot would retain their previously issued restricted U.S. Commercial Pilot Certificate.

QUESTION 4: As a follow-on to Question 3, what does the foreign pilot need to do to obtain his ASEL rating onto his unrestricted U.S. Commercial Pilot Certificate?

ANSWER 4: Ref. §61.63(c)(4); The foreign pilot would only need to comply with the requirements of §61.63(c)(4) which pertain to applicants for an ". . . additional class rating . . ."

QUESTION 5: Ref. §61.75; The situation is we have a holder of a Canadian pilot license who holds a restricted U.S. Commercial Pilot Certificate with an ASEL rating. It is now after August 4, 1997 (when the new Part 61 went into effect), and the applicant wants to add an ASES

rating onto his restricted U.S. Commercial Pilot Certificate on the basis he holds the ASES rating on his Canadian Commercial Pilot License, do we issue it the commercial pilot level or private pilot level?

ANSWER 5: You would re-issue the restricted U.S. Commercial Pilot Certificate, but the ASES rating would be issued for Private Pilot privileges only. Otherwise, the restricted U.S. Commercial Pilot Certificate would read as follows:

Commercial Pilot
Airplane Single Engine Land
Private Pilot Privileges - Airplane Single Engine Sea
Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations. Issued on the basis of and valid only when accompanied by Canadian License No. 5551212. All limitations and restrictions on the Canadian Pilot License apply.

QUESTION 6: Situation is, we have a holder of a French pilot license who currently holds a restricted U.S. Commercial Pilot Certificate with an ASEL rating and Instrument-Airplane rating [i.e., because he satisfactorily completed the Instrument Foreign Pilot (IFP) knowledge test]. It is now after August 4, 1997 (when the new Part 61 came into effect), and the applicant wants to add an ASES rating onto his restricted U.S. Commercial Pilot Certificate by taking the practical test. May the applicant take the ASES practical test at the Commercial Pilot Pilot level or must it be performed at the Private Pilot Certificate level?

This pilot currently holds the following restricted U.S. Commercial Pilot Certificate and a French Commercial Pilot License that reads as follows:

U.S.	French
Commercial Pilot	Commercial Pilot
Airplane Single Engine Land	Airplane Single Engine Land
Instrument-Airplane	Instrument-Airplane

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.
Issued on the basis of and valid only when accompanied by French License No. 5551212. All limitations and restrictions on the French Pilot License apply.

ANSWER 6: Ref. §61.75(a) and (c); Under this scenario, the applicant is only seeking to add the ASES rating onto his restricted U.S. pilot certificate. Per §61.75(a), the applicant ". . . may apply for and be issued a private pilot certificate with the appropriate ratings . . ." Therefore, the ASES rating may only be added for Private Pilot privileges.

As per §61.75(c) which states:

"(c) Aircraft ratings issued. Aircraft ratings listed on a person's foreign pilot license, in addition to any issued after testing under the provisions of this part, may be placed on that person's U.S. pilot certificate."

Emphasis added ". . . in addition to any issued after testing under the provisions of this part . . ."

As per FAA Order 8700.1, Volume 2, page 29-2, paragraph 5. M which states, in pertinent part:

> "If the applicant requests that a rating be added to his/her certificate ON THE BASIS OF MEETING OF THE REQUIREMENTS OF PART 61, the practical test and knowledge test, if applicable to the rating sought, must be passed prior to issuance of the rating . . ."

In this scenario, the applicant is only seeking to add a class rating to his restricted U.S. Commercial Pilot Certificate. Therefore, no knowledge test is required.

QUESTION 7: It is now after August 4, 1997 (when the new Part 61 came into effect). The situation is we have a holder of a Mexican pilot license, but in this scenario the applicant does not hold a U.S. pilot certificate. But he does hold a Mexican Commercial Pilot License with a Rotorcraft-Helicopter rating. The applicant is applying for a restricted U.S pilot certificate based on his Mexican Commercial Pilot License. Do we issue a U.S. Commercial Pilot or Private Pilot Certificate?

ANSWER 7: Ref. §61.75(a); Only a restricted U.S. Private Pilot Certificate with a Rotorcraft-Helicopter rating may be issued. The restricted U.S. Private Pilot Certificate would read as follows:

Private Pilot
Rotorcraft-Helicopter
Issued on the basis of and valid only when accompanied by Mexican License No. 551212. All limitations and restrictions on the Mexican Pilot License apply.

QUESTION 8: Situation, we have a holder of a Mexican pilot license who holds a restricted U.S. Commercial Pilot Certificate with an ASEL rating and Instrument-Airplane (U.S. Test Passed). The certificate was originally issued prior to August 4, 1997 on the basis of the foreign pilot holding a Mexican Commercial Pilot License.

NOTE: The foreign pilot holds the rating "Instrument-Airplane (U.S. Test Passed)" on his restricted U.S. Commercial Pilot Certificate. The connotation "Instrument-Airplane (U.S. Test Passed)" means the applicant satisfactorily accomplished the Instrument-Airplane rating requirements of §61.65 (i.e., accomplished the required ground and flight training and passed the required knowledge and practical test). If the rating had only showed "Instrument-Airplane" on his restricted U.S. Commercial Pilot Certificate, then that would mean he only satisfactorily accomplished the Instrument Foreign Pilot knowledge test.

The foreign pilot applicant currently holds:

U.S. (restricted)	Mexico
Commercial Pilot Certificate	Commercial Pilot License
Airplane Single Engine Land	Airplane Single Engine Land
Instrument-Airplane (U.S. Test Passed)	Instrument-Airplane
Not valid for carriage of persons or property for	

compensation or hire or for agricultural aircraft operations.
Issued on the basis of and valid only when accompanied by Mexican License No. 5551212.
All limitations and restrictions on the Mexican Pilot License apply.

This foreign pilot now wants to add a Glider rating to his existing restricted U.S. Commercial Pilot Certificate by taking a practical test (Notice: he has not accomplished the Commercial Pilot-Glider knowledge test). He does not hold a Glider rating on his Mexican Commercial Pilot License. Is this applicant required to meet the aeronautical experience requirements of §61.129(f)? If so, is the applicant required to show the appropriate aeronautical experience requirements on the submitted FAA Form 8710-1, Airman Certificate and/or Rating Application?

ANSWER 8: Ref. §61.75(a) and FAA Order 8700.1, Volume 2, page 29-2, paragraph 5.H.(4) and M; The applicant cannot qualify for the Glider rating at the Commercial Pilot Certificate level. The applicant has requested to add the additional glider category rating onto his existing restricted U.S. Commercial Pilot Certificate. The applicant can only apply for the Glider rating for Private Pilot privileges. Therefore, the applicant is not required to meet the aeronautical experience requirements of §61.129(f), but is required to meet the aeronautical experience requirements of §61.109(f). And yes, the applicant is required to show the aeronautical experience requirements of §61.109(f) on the submitted FAA Form 8710-1, Airman Certificate and/or Rating Application.

If the foreign pilot wants the Glider rating at the Commercial Pilot Certificate level, then that pilot must comply with the same requirements that a U.S. citizen is required to do when applying for a Glider rating at the Commercial Pilot Certificate level. The foreign pilot must comply with the requirements of Subpart F of Part 61 just like any U.S. citizen is required to do. Which means, the foreign pilot must comply with §61.123 (i.e., receive the required ground and flight training and satisfactorily accomplish the required knowledge and practical tests).

Per §61.75(a), the applicant may apply for an additional Glider rating to be added to his restricted U.S. Commercial Pilot Certificate, but the rating will only be issued for Private Pilot privileges. The re-issued restricted U.S. Commercial Pilot Certificate will read as follows:

Commercial Pilot Certificate

Airplane Single Engine Land
Private Pilot Privileges - Glider (U.S. Test Passed)
Instrument-Airplane (U.S. Test Passed)
Not valid for carriage of persons or property for compensation
or hire or for agricultural aircraft operations.
Issued on the basis of and valid only when accompanied by Mexican License No. 551212.
All limitations and restrictions on the Mexican Pilot License apply.

In this scenario, the applicant is only seeking to add an unpowered aircraft category rating [i.e., §61.63(b)(5)] to his restricted U.S. Pilot Certificate. Therefore, no knowledge test is required.

QUESTION 9: Ref. §61.75(a); A similar situation to Question 8 in that the Mexican applicant holds a restricted U.S. Commercial Pilot Certificate with an ASEL rating, but the applicant has passed a U.S. Commercial Pilot practical test in a single engine sea airplane. It was after August 4, 1997 when the new Part 61 came into effect and when the applicant passed the U.S. Commercial Pilot practical test in a single engine sea airplane. And the applicant wants the ASES rating added onto his restricted U.S. Commercial Pilot Certificate. Please note, the applicant passed the required U.S. Commercial Pilot practical test in a single engine sea airplane, but the applicant has received the required instructor endorsements for flight training, but the applicant has never passed the Commercial Pilot-Airplane knowledge test. Do we issue it the commercial pilot level or private pilot level?

ANSWER 9: The applicant should only been allowed to make application for Private Pilot Privileges for the ASES rating. However, it is noted the applicant passed the required U.S. Commercial Pilot practical test in a single engine sea airplane. Yes, a mistake was made here and the applicant should never have been permitted to make application for Commercial Pilot Privileges for the ASES rating. On the back of "Temporary Airman Certificate," FAA Form 8060-4, it states:

> "This is an interim certificate issued subject to the approval of the Federal Aviation Administration pending the issuance of a certificate of greater duration. It becomes void—
> * * * * *
> 2. Upon a finding by the FAA that an error has been made in its issuance;
> * * * * *"

So, you would reissue the certificate at the Commercial Pilot Certificate level, but the ASES rating shall be issued for Private Pilot Privileges. Otherwise, the certificate would read:

> Commercial Pilot
> Airplane Single Engine Land
> Private Pilot Privileges - Airplane Single Engine Sea (U.S. Test Passed)
> Issued on the basis of and valid only when accompanied by Mexican License No. 551212. Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations. All limitations and restrictions on the Mexican Pilot License apply.

In this situation, we're not going to "throw out" the results of the applicant passing a practical test, but we cannot issue the ASES rating at the Commercial Pilot Certificate level [i.e., §61.75(a)]. Even in the obsolete Q&A 73, I completely erred in the way that I answered a similar question. But we cannot compound the mistake by authorizing issuance of the rating at the Commercial Pilot Certificate level. The rating may only be issued at the Private Pilot Certificate level.

NOTE: With the adoption of the new Part 61, effective August 4, 1998, ALL new ratings added onto a restricted U.S. Commercial Pilot Certificate SHALL be issued for Private Pilot Privileges Only. If the foreign applicant wants U.S. Commercial Pilot Privileges, then that applicant must comply with §61.123 (i.e., receive the required ground and flight training, instructor

endorsements, and satisfactorily accomplish the required knowledge and practical tests just like a U.S. citizen).

QUESTION 10: Except for medical reasons, can a U.S. pilot certificate be issued to a foreign pilot who is not able ". . . . to read, speak, write, and understand the English language?"

ANSWER 10: Ref. §61.75(b)(5); No, a foreign pilot does not qualify for a U.S. pilot certificate if he is unable ". . . to read, speak, write, and understand the English language . . ."

As per §61.75(b)(5), which states:

"(5) Is able to read, speak, write, and understand the English language. If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft."

{q&a-242}

QUESTION 1: Do we, the FAA, enforce ICAO standards? This question and question #2 & #3 relate to the following references:

ICAO Annex I, Chapter 5, Paragraph 5.1 states:

"Personnel licences issued by a Contracting State in accordance with relevant provisions of this Annex shall conform to the following specifications:"

Paragraph 5.1.1 Detail states

"The following details shall appear on the licence:"

It then enumerates and numbers items that have to be shown on a license. Paragraph 5.1.1 Item XII Ratings gives examples such as category, class, type, etc.

Paragraph 5.1.4 Language states

"Licences shall be issued in the national language with a translation of items I), II), VI), IX), XII), and XIV) as indicated in 5.1.1 in English, French, Russian or Spanish where the national language is other than one of these."

Given the imperative language in Paragraphs 5.1, 5.1.1 and 5.1.4, it appears to me that ICAO has set a minimum standard for a license. That standard specifies details and languages that have to appear on a license. Reading these paragraphs caused me to raise the question of whether the Brazilian or Italian licenses met ICAO standards given that one of the four ICAO languages did not appear in the prerequisite items. The reason I questioned the validity of the Australian plastic card was that it did not show any ratings. Australia shows ratings in the pilot's log book. Mr. Klang at AGC-7 says we are obligated to enforce ICAO requirements.

ANSWER 1: No, but I condition my answer on the basis of §61.75(a), as it states:

> (a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.

The key words here in §61.75(a) are ". . . holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued . . ." The rule doesn't say ". . . holds a current foreign pilot license **that meets the provisions of ICAO Annex I, Chapter 5, Paragraph 5.1**. . ." And I've read nothing in your question that says that foreign person doesn't hold a current foreign pilot license. And as far as the provisions in Annex 1 that establish the ICAO standards for what a pilot license must look like, I ask how many FAA Inspectors out there know those ICAO standards. We certainly didn't get qualified to know those ICAO standards by our GA Indoctrination Course or any other training course as far as that goes. So my answer remains, if the person ". . . holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation . . . ." then that person may apply for our restricted U.S. private pilot certificate and that person may be issued our restricted U.S. private pilot certificate on the basis of that person's current foreign pilot license.

But certainly if we, as FAA Inspectors, suspect a foreign pilot license is not current or is fraudulent then by no means would we issue our restricted U.S. private pilot certificate to that foreign person. And if the license was fraudulent then by all means we would want to notify that person's foreign aviation authorities. But that is as far as we would go with enforcing ICAO standards.

QUESTION 2: Do we issue a reciprocal U.S. pilot certificate on the basis of a temporary foreign license? The Italian licenses I have seen, besides being written entirely in Italian, all have had stamped on the front page the word "PROVVISORIO." In September 1994 I contacted Mr. Tony Rivolta at the Italian Embassy. He told me that the stamp meant it was a temporary license and that when Italy issues a permanent license, it has one of the required ICAO languages on it.

ANSWER 2: Yes; Again per §61.75(a) [i.e., ". . . holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation . . . ."]. However, as per §61.75(f), that temporary certificate must be in the English language or accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority that issued the foreign pilot license.

QUESTION 3: Is an embassy or consulate transcript signed by respective staff considered acceptable for the requirement that the transcript be signed by an official representative of the foreign aviation authority that issued the foreign pilot license?

ANSWER 3: Yes; Again per §61.75(f), ". . . must be in the English language or accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority that issued the foreign pilot license." In a previous answer to the same question, we determined that an embassy or consulate transcript signed by respective staff official was considered acceptable.

QUESTION 4: FYI regarding our correspondence of several months ago on the validity of foreign licenses. A Norwegian pilot came in for a reciprocal certificate. His Norwegian license, in Item IX, stated in English accompanying the Norwegian text: *"Valid only in connection with a document containing a photo, a valid medical certificate and corresponding ratings and privileges document no.: N-020131 40378."* The pilot had not brought along his Norwegian medical certificate. In querying the Norwegian CAA through the Norwegian Embassy, Mr. Stale T. Risa faxed me that "a Norwegian PPL is valid only if it is accompanied by a valid Norwegian Medical Certificate. In other words, an FAA Medical Certificate cannot be used to validate a Norwegian PPL."

ANSWER 4: Again per §61.75(a) [i.e., ". . . holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation . . . ."]. Therefore, as long as we can ascertain the person

> ". . . holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation . . . ."

then that person may be issued our restricted U.S. private pilot certificate. Additionally, per §61.75(b)(4) [i.e., "Holds a current medical certificate issued under part 67 of this chapter or a current medical certificate issued by the country that issued the person's foreign pilot license;"] if the foreign person holds a current medical certificate issued under part 67 of this chapter then that is sufficient.
{q&a-193}

These questions were precipitated by a Brazilian pilot applying for a U.S. certificate based on his Brazilian license.

QUESTION 1: What are the ICAO standards for a private or commercial airplane or helicopter license?

ANSWER 1: The ICAO standards for a private or commercial airplane or helicopter license are addressed in Annex 1 "Personnel Licensing" as outlined below. But, having first hand knowledge of the ICAO standards is not really that important. The other ICAO countries have to abide by the same ICAO standards that we do. So for example, if a Brazilian pilot certificate does not meet ICAO standards, then the Brazilian Aviation Authorities are obligated to place the ICAO limitation on that person's Brazilian pilot license. Just like we are obligated to do to our U.S. pilots. So, in accordance with §61.75(d)(2)(ii) if the person's pilot license contains the ICAO limitation that states the person has not met ICAO standards then we don't issue the U.S. restricted pilot license to that foreigner.

Briefly, the ICAO experience standards (Paragraph 2.3.1.3.1 of Annex 1) for a private pilot license for airplane rating are 40 hours of total flight time and 10 hours of solo flight time under the supervision of an authorized flight instructor which includes 5 hours of solo cross country flight time.

The ICAO experience standards (Paragraph 2.4.1.3 of Annex 1) for a commercial pilot license for the airplane rating are 200 hours of total flight time (or 150 hours if completed in a course of approved training), 100 hours of PIC flight time (or 70 hours of PIC time if completed in a

course of approved training), 20 hours of PIC cross country flight time, 10 hours of instrument instruction time of which 5 hours may be instrument ground time, and 5 hours of night flight time that include 5 takeoffs and 5 landings as the PIC.

QUESTION 1A: Does a foreign private pilot license with the limitation "Night flying prohibited" meet ICAO standards for a U S restricted private license?

ANSWER 1A: Yes, because ICAO standards do not require night flying. Paragraph 2.3.1.4.2 of Annex 1 only states "If the privileges of the license are to be exercised at night, the applicant shall have received dual instruction in airplanes in night flying, including take-offs, landings, and navigation."

QUESTION 1B: Does a private pilot license with the limitation "Passenger carrying prohibited on flights more than 10 nautical miles from (appropriate island)" meet ICAO standards for a U S restricted private license?

ANSWER 1B: No, because ICAO standards (paragraph 2.3.1.3 of Annex 1) require training of at least one solo cross ". . . country flight totaling not less than . . . (150 NM) . . . ."

QUESTION 1C: Does a foreign commercial license without an instrument rating meet ICAO standards for a commercial license and the issuance of a U S restricted private pilot certificate?

ANSWER 1C: Yes; because ICAO standards (the NOTE that follows paragraph 2.4.1.4.2 of Annex 1) only states that "the instrument experience specified in paragraph 2.4.1.3.1.1. c and 2.4.1.3.1.1. d and 2.4.1.4.2 do not entitle the holder of a commercial pilot license - airplane to pilot airplanes under IFR."

QUESTION 1D: Does a foreign commercial license with the limitation "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited" meet ICAO standards for a commercial license?

ANSWER 1D: No, because ICAO standards (paragraph 2.4.1.3.1.1 b of Annex 1) require at least 20 hours of cross country flight time as a PIC including a ". . . cross country flight totaling not less than . . . (300 NM) . . . ."

QUESTION 1E: Does a commercial license with the limitation "night flying prohibited" meet ICAO standards for a commercial license and the issuance of a U S restricted private pilot certificate?

ANSWER 1E: Yes, because ICAO standards (paragraph 2.4.1.3.1.1 d of Annex 1) only state if the privileges of the license are to be exercised at night, the person has to have logged at least 5 hours of night flight time that include 5 takeoffs and 5 landings as the PIC.

QUESTION 2: ICAO Annex 1, Chapter 5, paragraph 5.1.4 Language states: Licenses shall be issued in the national language with a translation of items I), II), VI), IX), XII), XIII) and XIV)

as indicated in 5.1.1 in English, French, Russian, or Spanish where the national language is other than one of these.

The Oakland Flight Standards District Office has had several pilots apply for U.S. certificates to be issued on the basis of Brazilian private or commercial licenses that were written, with the exception of two entries in English, entirely in Portuguese. The exceptions were:

a. Item "II - Licença", under "PILOTO PRIVADO - AVIO" is printed "Private Pilot - Airplane",

b. At the bottom margin is printed Item I "I - FEDERATIVE REPUBLIC OF BRAZIL".

Is this an acceptable document for §61.75 reciprocity?

ANSWER 2: No; Per §61.75(f), ". . . must be in the English language or accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority that issued the foreign pilot license."

QUESTION 3: Does the Australian credit card license meet ICAO standards for a pilot license?

ANSWER 3: Yes; I don't see anywhere where ICAO has established any minimum standards for content for what a pilot license is supposed to look like. However, §61.75(a) applies here, "(a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.

QUESTION 4: Out in the field, do we accept any document (paper or plastic) which does not contain all ICAO license specifications (as listed in ICAO Annex 1, Chapter 5, paragraph 5.1.1.) written in any language (accompanied by a translation from the issuing authority, embassy, or consulate) for the issuance of a §61.75 reciprocal certificate?

ANSWER 4: Yes and No;
Yes to recognizing another ICAO member country's pilot license. Just like it says in §61.75(a) "(a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.

No to your statement ". . . written in any language." Just like it says, in pertinent part, in §61.75(f) ". . . must be in the English language or accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority that issued the foreign pilot license."

QUESTION 5: Out in the field, should we concern ourselves with enforcing ICAO standards?

ANSWER 5: No; Per my earlier answer above, "The ICAO standards for a private or commercial airplane or helicopter license are addressed in Annex 1 "Personnel Licensing." But I don't see that you all having first hand knowledge of the ICAO standards is really that important. The other ICAO countries have to abide by the same ICAO standards that we do. So for example, if a Brazilian pilot certificate does not meet ICAO standards, then the Brazilian Aviation Authorities are obligated to place the ICAO limitation on that person's Brazilian pilot license. Just like we are obligated to do to our U.S. pilots.

QUESTION 6: Out in the field, when we look at a foreign license, is there a minimum FAA standard for foreign license content that must be met for §61.75 reciprocity?

ANSWER 6: No; just like it says in §61.75(a) "(a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.
{q&a-182}

QUESTION: We have a French applicant who sent his consulate copies of his documents, and acquired a translation by the "French American Translation & Tourism Services". The vice consul stamped and signed it. The translation certification has a caveat: "complete translation to the best of my knowledge".

So, does a vice consul, who has NOT listed himself as an air attaché, represent the issuing authority?

ANSWER: §61.75(f); Yes, the transcription from the Vice Consul-French American Translation & Tourism Services will be acceptable. The purpose of §61.75 (i.e., " . . . accompanied by an English transcription that has been signed by an official or representative of the foreign aviation authority that issued the foreign pilot license . . .") was to assist our Inspectors on figuring out what the foreign pilot license authorized before issuing our US pilot certificate to them. We are taking a fairly broad interpretation of what is acceptable as " . . .an official or representative of the foreign aviation authority . . ." Let's not make it overly difficult for the applicants. If you can ascertain that the transcript is official and an official or representative from the foreign government signed it, then that is acceptable in meeting the requirements of the rule.
{q&a-151}

QUESTION: **Y**ears ago, a Canadian pilot had gotten a restricted COMMERCIAL PILOT CERTIFICATE (based on his foreign license). He had ratings of: Airplane Single and Multiengine land. Within the past month, he came to our office asking to add two new type ratings (LRJET & CE-500) and an instrument rating. The type ratings had been added to his Canadian license since he got the original U.S. Restricted. He had also taken the IFP written.

Can the new type ratings be added to his commercial since he already had Airplane Multiengine Land? Or do they have to be added as Private Pilot Privileges?

ANSWER: On the premise that it is after August 4, 1997 when this person is applying for the additional type ratings: Yes! Per 61.75(a) states, in pertinent part, ". . . a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license . . ."

The Commercial Pilot Certificate would be reissued and would read as follows:

Commercial Pilot
Airplane Single & Multiengine Land
Instrument-Airplane
Private Pilot Privileges - LR Jet, CE-500
Issued on the basis of and valid only when accompanied by, Canadian pilot license number 1234567. All limitations and restriction on the Canadian pilot license apply. Not valid for the carriage of persons or property for compensation or hire or for agricultural aircraft operations.

Now for my overall answer, we will permit a person to continue to hold the level of U.S. pilot certificate held prior to August 4, 1997 for those pilot certificates issued on the basis of §61.75. However, NEW ratings will always be issued for private pilot privileges only.

NOTE: The correction to the certificate issuance is to remove the notation "(US TEST PASSED)" that was previously (erroneously) shown following "Instrument-airplane." The person had only taken the Instrument-Foreign Pilot (IFP) knowledge test to merit the instrument rating on the certificate. Had the person taken the Instrument Rating-Airplane knowledge test and a practical test the notation "(US TEST PASSED)" would have been correct.
{q&a-96}

QUESTION 5: The situation is a foreign pilot holds a U.S. private pilot certificate with an airplane multiengine land rating that was issued on the basis of the person's Canadian commercial pilot certificate. He also holds Instrument Airplane (U.S. Test Passed) on that U.S. private pilot certificate. The person now comes to the FAA and applies for an un-restricted U.S. commercial pilot with an airplane multiengine land rating. However, the person's foreign pilot certificate is not current because that person has allowed his foreign medical license to lapse (which is a Canadian requirement for the person's Canadian commercial pilot certificate to remain current). However, that person has a current U.S. Class III medical certificate that was issued under Part 67. However, under §61.75(a), it states the person must hold a current foreign pilot license. Can the person apply for an un-restricted U.S. commercial pilot with an airplane multiengine land rating with an out-of-date foreign medical license but with a current U.S. medical certificate?

ANSWER 5: Ref. §61.123; Yes, provided the person meets the requirements of §61.123. The person can apply for the commercial pilot certificate. I agree the person has allowed his foreign medical license to lapse which according to that specific country's rules makes his foreign pilot certificate not current. However, he has a current U.S. medical certificate and that is what is required under the eligibility requirements of §61.123 to apply for commercial pilot certification.

{q&a-136}

QUESTION: Here's the scenario:
A foreign pilot holds a US restricted certificate based on his Lithuanian pilot certificate. He has taken the foreign pilot instrument knowledge test (IFP). Now he holds a US restricted private with airplane-instrument and SEL and MEL.

Now he wants to wants to get a B-737 type rating (US Test passed). Does he need to take the full-blown IRA written test before he eligible to take the practical test in the B737?

We've looked at 61.63(d)(1). We're under the impression that that instrument rating must be a full-blown Part 61 rating and not the authorization issued by taking the foreign pilot knowledge test. Your reading please...

ANSWER: Ref. §61.63(d)(1); The applicant does not need to take the Instrument Rating-Airplane (IRA) knowledge test.

1. Since the applicant already holds an instrument rating, even though he holds it because he holds it on the basis of holding an Instrument-Airplane rating on his foreign pilot certificate and satisfactory completion of the Instrument Foreign Pilot (IFP) knowledge test, IT IS STILL AN INSTRUMENT RATING. Yes, an instrument rating that is based on a IFP knowledge test is an instrument rating. Therefore, the applicant need only comply with the remainder of those paragraphs (d)(2) through (d)(7) of §61.63 that are appropriate to his or her situation to qualify for a B737 type rating and that type rating shall not be limited to VFR provided the applicant accomplishes the required tasks in the Instrument Area of Operation as set forth in the Type Rating PTS, FAA-S-8081-5B.

2. Now, if this foreign person, at a later date, chooses to apply for an unrestricted U.S. pilot certificate, then that B737 type rating shall be limited to VFR unless the person accomplishes the required aeronautical experience and training of §61.65, passes the Instrument Rating Airplane (IRA) knowledge test, and passes the required Instrument-Airplane practical test.
{q&a-142}

QUESTION 1: The foreign pilot B737/instrument rating applicant took a checkride for the B737 and his restricted license says (US TEST PASSED). He took the foreign pilot instrument written exam and his restricted license says 'instrument-airplane' with no restrictions.

Now, let's say he comes back five years later to a pilot examiner to get an unrestricted US commercial certificate. How is the examiner to know that the B737 type rating should be restricted to 'VFR only' since the certificate that was issued on the basis of the foreign certificate has an unrestricted B737 type rating (US TEST PASSED) on it?

ANSWER 1: Ref. §§61.65(a), 61.123(f), and 61.133(b)(1); The examiner should know because the person's restricted U.S. certificate clearly states "Issued on the basis of and valid only when accompanied by [NAME OF COUNTRY] Pilot License No. [NUMBER FROM FOREIGN LICENSE]." **The 'instrument-airplane' entry without the notation "(US TEST PASSED)" indicates the pilot had only taken the IFP knowledge test. Had a checkride**

been involved it would have the notation "(U.S. TEST PASSED)" on the certificate following the instrument-airplane entry. Then the examiner could, of course, further review the foreign person's pilot certificate and qualification history with AFS-760 (Airman Certification).

In your question, you stated "Now let's say he comes back five years later to a pilot examiner to get an **unrestricted** U.S. certificate . . ." Which indicates the person does not currently hold a **standard** U.S. pilot certificate. A standard U.S. commercial pilot certificate and instrument rating cannot be issued until that foreign person does EVERYTHING that our own citizens are required to do to get an unrestricted U.S. commercial pilot certificate and instrument rating. **This includes all of the §61.123, §61.125, §61.127 and §61.129 requirements. Many such applicants may have to also acquire some private pilot qualifications (§61.109) such as night experience.** So before testing and issuing a standard U.S. commercial pilot certificate and instrument rating, the examiner should check the person's pilot certificate and qualification history through AFS-760.

And as per §61.133, the foreign pilot must hold ". . . an instrument rating in the same category and class . . ."

QUESTION 2: There is only one provision to issue any type rating limited to VFR and that is in 61.63(d)(5) if the aircraft type certificate says that the aircraft is incapable of operating under IFR. This doesn't apply to a B737.

ANSWER 2: There is another. Ref. §61.63(h); Yes, §61.63(h) may even apply to the B737 if the applicant ". . . provides an aircraft not capable of the instrument procedures . . ." Now we really can't imagine a B737 without the required instruments and equipment!

QUESTION 3: §61.63(d)(1) says that an applicant for a type rating must hold or concurrently obtain an instrument rating appropriate to the category, class or type rating issued. This B737 type rating was issued on the basis of completion of a US Test. We feel that the appropriate instrument rating is one issued under Part 61.65, including taking the IRA written test. We feel that the US IRA test would be the only appropriate test that this foreign pilot would take when he applies for a US B737 type rating to be added to his restricted certificate.

ANSWER 3: Ref. §61.65(a); The foreign person would not qualify for an (unrestricted) Standard U.S. instrument rating (i.e., US TEST PASSED) until that foreign person does EVERYTHING that our own citizens are required to do to get an unrestricted U.S. commercial pilot certificate and instrument rating.
{q&a-147}

QUESTION: Per the provisions of §61.75(f), can the English language transcription be signed by an official or representative of the foreign government's embassy or does it have to be signed by an official or representative of the foreign aviation authority that issued the foreign pilot license?

§61.75(f) states:

(f) Limitation on licenses used as the basis for a U.S. certificate. Only one foreign pilot license may be used as a basis for issuing a U.S. private pilot certificate. The foreign pilot license and medical certification used as a basis for issuing a U.S. private pilot certificate under this section must be in the English language or **accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority** that issued the foreign pilot license.

ANSWER: Ref. §61.75(f), An English language transcription may be signed by an official representative in the foreign government's embassy. This would often be easier or faster than requiring such from an official actually in the foreign country. The intent for adopting this new rule [i.e., §61.75(f)] was to provide that FSDO personnel have a certified valid transcript of what pilot license, restrictions and ratings are held by the foreign applicant to facilitate issuance of a Restricted U.S. pilot certificate that conforms to those foreign person's pilot license and ratings.
{q&a-139}

QUESTION: Reference §61.75(f): We have a problem with the French DGAC because since the regulation is recent they do not know yet what kind of "transcription" is required. They learned and we learned about this regulation when French pilots started to call us about it because they could not get US Pilot certificates any more. They have been issuing this "transcription" for a few months, but the "transcription" required is not always the same.

(From Tony Fazio - FAA representative in Paris:) The problem is that we are getting reports that different FSDO's are asking for different information. What we are suggesting is a generalized format which everyone on our side agrees with, then we will send it to the authorities in question who can do a master translation. What we would need is a model transcription which would be accepted by all the FSDOs and that we could give to the DGAC for future reference.

You have to realize this is an extra burden for many authorities who have limited resources. What could end up happening is that they will refuse to do it. The person who suffers will be the pilot and perhaps training schools in the U.S.

ANSWER: We have a new rule [§61.75(f)] and the applicant has to comply with the new rule just like our U.S. citizens have to comply with their rules.

Simon discussed the below list with me and we agree with his recommendation that the transcription should <u>AT LEAST</u> contain the following:

Name of originating ICAO country
Name of issuing agency
Name of pilot
Grade of license, Private, Commercial, ATP
Grade restrictions such as Restricted or Unrestricted (e.g., Belgium has a restricted private license that is NOT VALID outside Belgium and Restricted US certificates will not be issued based on them!)
License number
Category ratings

Class ratings
Type ratings
Other ratings (e.g. INSTRUMENT, IMC, etc.)
Expiration date
Medical expiration date
Restrictions of a flight or medical nature
Authorizations (i.e., on Netherlands licenses, is the pilot permitted PIC, or only SIC privileges?)

{q&a-129}

QUESTION 1: Ref. 61.75(c): Situation is that a foreign pilot holds a restricted U.S. private pilot certificate with ASEL rating that was issued on the basis of his German pilot certificate. The foreign pilot now wants to add a multiengine rating onto that U.S. private pilot certificate on the basis of accomplishing the required practical test (i.e., US TEST PASSED). Does the applicant have to pass the FAA's private pilot - airplane knowledge test?

ANSWER 1: **NO**; Ref. 61.75(c), but actually Order 8700.1, page 29-2, paragraph M, which states, in pertinent part, ". . . and the knowledge test, **IF APPLICABLE TO THE RATING SOUGHT**, must be passed. . ." Since the question concerns a person applying for a multiengine airplane and that person already holds an ASEL rating (i.e., holds powered aircraft rating and is applying for another powered aircraft), there is no knowledge test for just an additional powered aircraft rating. So, the answer is no, the foreign pilot does not need to take a knowledge test. However, for a person to receive a rating with U.S. TEST PASSED, the person must have met the required aeronautical experience of Part 61, flight instructor endorsements of §61.63(c), and pass the required Private Pilot-AMEL practical test.

QUESTION 2: Same situation in that the foreign pilot holds a restricted U.S. private pilot certificate with ASEL rating that was issued on the basis of his German pilot certificate. The foreign pilot now wants to add a multiengine rating onto that U.S. pilot certificate on the basis of accomplishing the required practical test (i.e., US TEST PASSED). Does the person have to meet the required aeronautical experience requirements of Subpart E of Part 61 and flight instructor endorsements of §61.63(c)?

ANSWER 2: **YES**; Ref. 61.75(c), but actually Order 8700.1, page 29-2, paragraph M, which states, in pertinent part, ". . . added to his/her certificate on the basis of **MEETING THE REQUIREMENTS OF PART 61**, the practical test and the knowledge test, if applicable to the rating sought, must be passed. . ."

{q&a-124}

QUESTION: A foreign pilots governmental licensing authority requires that the pilot has a current medical license from that country for that persons foreign pilot license to be current. Our rule 61.75(b)(4) provides that either a current medical under part 67 or a current foreign medical is required. Additionally, 61.75(a) and (b) requires the person to hold a current foreign pilot license. May a US Restricted pilot certificate be issued to the pilot if that pilot does not hold a current foreign medical license, but does hold a current US medical certificate?

ANSWER: Just like it says in §61.75(a), in pertinent part, ". . . holds a current foreign pilot license . . ." Therefore, don't issue our US Restricted certificate if the person's foreign pilot certificate is not current. If the person's foreign government requires him to always hold a current medical from his own country for his pilot license to remain current then that is between him and his country.
{q&a-107}

QUESTION: Do you know if there is a National guideline on whether we should request the reexamination of any airmen who holds a U.S. certificate based on his foreign certificate (issued before Aug 97) and does not currently speak English at a level the FSDO thinks meets the new regulations. Reference §61.75(b)(5).

ANSWER: If you're asking whether we're going out doing a wholesale recall of these certificates with the English language limitation merely because they can't meet the new §61.75(b)(5) requirements, the answer is **NO**. Now, if during the course of an investigation or information became available to a FSDO that an individual pilot's competence and/or proficiency should be evaluated because the individual can't meet the new §61.75(b)(5) requirements (i.e., English language) **then yes** by all means we have the authority to initiate action on that person's pilot certificate. Furthermore, if a person applies for an additional rating and has the English language limitation on his existing certificate and still cannot ". . . read, speak, write, and understand the English language. . ." **then we will NOT reissue any certificate** unless the person is able to comply with the new §61.75(b)(5) requirements (i.e., English language).
{q&a-115}

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§61.75(b) requires the applicant to hold a "current foreign pilot license." Some countries validate pilot licenses on a regular basis, usually annual. This validation is based sometimes on medical examinations, sometimes on flight activity. I'm sure other criteria are used as well. The French have an annual medical endorsement. South Africa, Germany, Slovenia, Norway, etc. have a location on the license where they specify periods of validity. A Swedish license has the statement "Note: The statement of validity includes the validity of medical examinations according ti ICAO Annex 1." (The word "ti" appears on the license, it is not my typo).

QUESTIONS:
1) What is meant by the word "current?"
2) Does it mean that the license has to be valid for pilot operations in the country of issuance or does it just mean the license is not under order of revocation or suspension?
3) In the case of the French pilot without a medical endorsement; do we issue him a restricted certificate if he presents a current Part 67 medical certificate?
4) In the case of the South African pilot, do we issue him a restricted certificate because he shows us a current Part 67 medical certificate and a license which, although past its period of validity, is not under order of revocation or suspension?
5) In the case of the Swedish pilot (and in the case of a French pilot with a current medical endorsement on his French license), given Part 61.75(4), does the Swedish pilot, or French pilot, need a current Part 67 medical certificate since neither Sweden nor France issue medical certificates? Come to think of it, Germany does not even have a medical endorsement on the license.

ANSWERS: We do not have any written language on current, but IT IS A COMING. We are now going through all of Part 61 and adding words "current", "current and valid," or "valid."

1. Current means the person has met ALL of the appropriate recency of experience requirement of Part 61 for the flight operation being conducted and the person's medical certificate has not expired.

2. Valid means the person's pilot certificate has not been surrendered, suspended, revoked, or expired.

3. Yes, issue the certificate. Read §61.75(b)(4).

4. In §61.75(a), We said "current" but in that reference it should say "valid." It will be fixed.

5. You're making too much of the word "certificate." If some countries place only an endorsement on a pilot certificate instead of issuing an individual piece of paper for a medical certificate, we would say if the applicant has that endorsement then they have met our requirements of §61.75(a)(4).
{q&a-78}

Additionally, if they don't ". . . read, speak, write, and understand the English language . . ." [i.e., §61.75(b)(5)], they are not eligible for a US private pilot certificate. So that deletes the need for the use of the English language limitation.
{q&a-55a}

QUESTION 9: 61.11(c) says: A pilot certificate issued on the basis of a foreign pilot license will expire on the date the foreign license expires, unless otherwise specified on the US pilot certificate. A certificate without an expiration date is issued to the holder of the expired certificate only if that person meets the requirements of sec. 61.75 for the issuance of a pilot license.
61.75 says(a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.

A. If an ICAO certificate that a US certificate is based on expires, is the US certificate valid or invalid? How can it be specified otherwise?

ANSWER 9A: **INVALID.** In spite of what the regulation says, no provision otherwise shall be made.

B. How can a restricted certificate be "issued to the holder of the expired certificate only if that person meets the requirements of sec. 61.75 for the issuance of a pilot license" when 61.75 says the person must hold a current foreign pilot license to apply?

ANSWER 9B: IT CAN **NOT** BE ISSUED.

QUESTION 10: Is AFS-760 issuing **ANY** certificates with the English restriction (other than medical related) for a pilot holding a certificate previously issued before August 4, 1997 with an English restriction:

A. For a lost certificate (a duplicate)?

ANSWER 10A: YES

B. For adding a rating to such a certificate per 61.63 with the continuance of the restriction?

ANSWER 10B: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.

C. The pilot comes in to the FSDO to have the restriction removed and is still not found competent to RWS&U English. If the English test is failed does the pilot loose the original certificate?

ANSWER 10C: NO. The pilot will keep the certificate with the restriction.

D. The pilot wants to get a standard (per part 61) private or commercial and is still not competent to RWS&U English?

ANSWER 10D: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.

E. The pilot comes back after obtaining additional class or category ratings in his home country and wants them added to his restricted US certificate, but is still not competent to RWS&U English?

ANSWER 10E: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.

QUESTION 11: Conceding the lack of any statement of requirements in 61.63 regarding RSR&U English requirements, suppose a foreign airman who has acquired a standard US certificate (per part 61) with no English restriction comes back several years later from his home country to get an additional class added to his standard certificate, but has obviously lost his English capability. Should the examiner conduct the practical test an issue the additional class as though there was no problem, or what??

ANSWER 11:NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.

QUESTION 12: Is issuance of a Notice of Disapproval appropriate, or required, if a foreign pilot appears at the FSDO to obtain a US Restricted certificate (on basis) and is unable to pass an English test to demonstrate competence in RWS&U English?

ANSWER **NO.** No established "practical test" is involved.

QUESTION 13: If an application is presented to a pilot examiner and the person is unable to demonstrate competence in RWS&U English (eg., resident alien), we are instructing the pilot examiners to send the person to the FSDO for the English test (8710.3C chap 5 § 7. D needs revision). The question is, should the pilot examiner issue a Notice of Disapproval?

ANSWER 13:NO. Discontinue the test. No Notice of Disapproval is appropriate since the pilot is not eligible for the practical test or issuance of a certificate if the English requirements can not be met.

QUESTION 14: Does 61.75(b)(3) make a foreign pilot ineligible for a US Restricted certificate if for some reason the person has a US student pilot certificate? The "old" 61.75(b)(3) said "does not hold a US pilot certificate of private pilot grade or higher." Is there a difference intended?

ANSWER 14:NO. No there was no intent to change outcome. The student pilot certificate would not make the foreign pilot ineligible for a US Restricted, but any other including Recreational would.

QUESTION 15: A foreign pilot with instrument privileges took a knowledge test to have the instrument rating included on a US Restricted certificate. By mistake, the computer test center gave him the standard IRA test and he passed it. The appropriate test is the Instrument Foreign Pilot (IFP). He is told he must go back and take the Instrument Rating-Airplane (IRA) test even though the standard test would appear to have more thoroughly tested his knowledge. Is this a correct outcome?

ANSWER 15:YES. The IFP test is required. The pilot passed the appropriate test for taking an instrument practical test and having the entry on the US Restricted say "INSTRUMENT AIRPLANE (US TEST PASSED)". But, if the pilot does not wish to take a practical test he must go back and take the IFP knowledge test.

Two different questions have been posed to me regarding restricted pilot certificates. First question was asked by a DPE. He has an applicant going for a commercial certificate. The applicant holds a restricted private certificate. The country that issued him his PPL did not require any night training. The old Part 61 required a commercial applicant to hold a private or meet the experience requirements for a private. The new 61 requires the applicant to hold a private, that's all.
{q&a-60}

QUESTION 1: Does the above applicant need to meet the new 61 [61.109(a)(2), 61.109(a)(2)(i) and 61.109(a)(2)(ii)] private requirements in addition to the new commercial 61 [61.129(a)(3)(iv)] requirement so that at certification he would have 5 hours night dual and 5 hours night solo or would the applicant be certificated with 2 hours night dual and 5 hours night solo?

ANSWER 1: No; Just like §61.123(h) states "Hold at least a private pilot certificate issued under this part . . ." **HOWEVER**, **to qualify** for the commercial pilot certificate, the applicant would have to meet ALL of the APPROPRIATE aeronautical experience requirements of §61.129. That would mean he would have to meet those night flying aeronautical experience requirements of **§61.129(a)(3)(iv) and (a)(4)(ii).**

The second question was asked by a Part 141 chief flight instructor. He has a student who holds a restricted commercial certificate issued 10 years ago. This student wants to train for a flight instructor certificate. To qualify for a CFI the applicant must hold a commercial or ATP certificate. The regulation does not elaborate on whether the certificate requirement excludes a restricted or special purpose certificate

QUESTION 2a: Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

ANSWER 2a: NO.
Reference §61.75; The scenario is a foreign pilot that holds a U.S. restricted Commercial Pilot Certificate (i.e., that was issued on the basis of that person's foreign Commercial Pilot license) and that U.S. Commercial Pilot Certificate was issued prior to August 4, 1997 (i.e., the date the new Part 61 became effective).

No, that U.S. restricted Commercial Pilot Certificate can not be used to meet the eligibility for a CFI certificate under the new Part 61. When that U.S. restricted Commercial Pilot Certificate was issued, the old §61.75(i) specifically stated: "A pilot certificate issued under this section does not satisfy any of the requirements of this part for the issuance of a flight instructor certificate."

Discussion of this question with the FAA's Office of Chief Counsel, AGC-240, and our Flight Standards' Certification Office, AFS-840, it was determined that those U.S. restricted Commercial Pilot Certificates were issued with a specific restriction against allowing them to be used for applying for a U.S. flight instructor certificate. Therefore, an applicant who holds a U.S. restricted Commercial Pilot Certificate (i.e., that was issued on the basis of that person's foreign Commercial Pilot license) cannot use it to apply for a U.S. flight instructor certificate.

QUESTION 2b: Is the candidate eligible if he hods a special purpose certificate? I know the new Part 61 calls it a "Special Purpose Pilot Authorization" whereas the old Part 61 called it a "Special Purpose Pilot Certificate."

ANSWER 2b:Review §61.77(c), as a special purpose pilot certificate issued under the old §61.77(c) or a special purpose pilot authorization issued under the new §61.77(c), that rule which addresses the privileges permitted would prevent the person from using it for meeting the eligibility requirements for gaining a flight instructor certificate.
{q&a-78}

61.77

QUESTION: Apparently the Miami IFO has had a policy in effect since 1992 limiting who can be issued 61.77 authorizations. The policy, as I understand it, is that a §61.77 special purpose pilot authorization cannot be issued to a person that holds an U.S. ATP certificate. This policy is not in writing and is not supported by the regulations.

I need to know how AFS-800 and AFS-200 feel about this policy. If you support it, we need to change the regulations to reflect this policy. If you don't support it, AFS needs to inform the Miamo IFO.

I need to know how AFS feels, what AFS wants to do, because I have to respond to an attorney representing Air Jamaica and its pilots who have previously been issued §61.77 special purpose pilot authorizations but are now being denied based on the 1992 policy.

As a follow-on, here are some possible scenarios that do need to be discussed and thought out. Here are some examples to consider:

GIVEN: (1) U.S.-registered A-320 aircraft operated by foreign airline. (2) PIC is a U.S. citizen (or U.S. resident? with green card). (3) PIC holds a regular U.S. ATP, BUT NO A-320 TYPE RATING. (4) PIC is issued a U.S. Special Purpose Certificate authorizing A-320 operations - that was issued based on a Jamaican License.

ANSWER: Ref. §61.77(a) and (b); The person is entitled to be issued a Special Purpose Pilot Authorization with the A-320 type rating. No place in §61.77 does it prohibit the issuance of a Special Purpose Pilot Authorization if the person holds a U.S. ATP certificate. As per §61.77(a), "The holder of a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY BE ISSUED A SPECIAL PURPOSE PILOT AUTHORIZATION . . . ." No place in §61.77 or in any other FAR does it state a person who holds a U.S. ATP certificate may not be issued a Special Purpose Pilot Authorization.

As for the issuance of Special Purpose Pilot Authorizations, this is not even a safety issue. It is purely an economic one. It is good business for U.S. companies and the U.S. economy as a whole to have a market for leasing U.S. registered aircraft for the benefit of ". . . carrying persons or property for compensation or hire on that aircraft." Even the FAA's costs for administering this practice of issuing Special Purpose Pilot Authorizations or the NEED to monitor these pilots are minimal and mostly there are no costs or RESPONSIBILITY associated with this practice. So why would anybody even care about attempting to place any restraints on the issuance of Special Purpose Pilot Authorizations. We shouldn't! Leasing U.S. registered aircraft is just good business and is good for our economy.
{q&a-277}

QUESTION 4: Ref. §61.77(a)(2); The situation is a Saudi Arabian based company (ARAMCO) leases U.S. registered deHavilland DHC-8 airplanes to be piloted by Canadian pilots and this company operates these DHC-8 airplanes throughout Saudi Arabia, Egypt, Israel, Kuwait, etc. The operation is considered to be ". . . For the carrying persons or property for compensation or hire." Do these Canadian pilots need a U.S. pilot certificate or a Special Purpose Pilot Authorization?

ANSWER 4: Ref. §61.77(a); In answer to the question as asked, the pilots shall be issued a Special Purpose Pilot Authorization. This assumes, of course, that the operation is certificated by and holding an air operators certificate by the foreign government as an airline. However, if Saudi ARAMCO is not such an entity, and the passengers they are carrying are not buying tickets, but are company employees, the pilots must have standard US (unrestricted) certificates.
{q&a-136}

61.83

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

"D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."
{q&a-198}

61.87

QUESTION: What do the new rules state in regard to student pilots flying single place aircraft in solo flight?

ANSWER: The new rules that address student pilots flying single place aircraft in solo flight are in § 61.87(l) and (n) which states:

(l) Limitations on student pilots operating an aircraft in solo flight. A student pilot may not operate an aircraft in solo flight unless that student pilot has received:

(1) An endorsement from an authorized instructor on his or her student pilot certificate for the specific make and model aircraft to be flown; and

(2) An endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor, who gave the training within the 90 days preceding the date of the flight.

(n) Limitations on flight instructors authorizing solo flight.

(1) No instructor may authorize a student pilot to perform a solo flight unless that instructor has —

(i) Given that student pilot training in the make and model of aircraft or a similar make and model of aircraft in which the solo flight is to be flown;

(ii) Determined the student pilot is proficient in the maneuvers and procedures prescribed in this section;

(iii) Determined the student pilot is proficient in the make and model of aircraft to be flown;

(iv) Ensured that the student pilot's certificate has been endorsed by an instructor authorized to provide flight training for the specific make and model aircraft to be flown; and

(v) Endorsed the student pilot's logbook for the specific make and model aircraft to be flown, and that endorsement remains current for solo flight privileges, provided an authorized instructor updates the student's logbook every 90 days thereafter.

(2) The flight training required by this section must be given by an instructor authorized to provide flight training who is appropriately rated and current.

The preamble in the new Part 61 final rule that was issued on April 4, 1997 states:

"The FAA has modified § 61.87(c)(2) to permit a student pilot to demonstrate flight proficiency in a similar make and model of aircraft to that in which the student pilot will conduct solo flight. The FAA notes that similar make and model aircraft should be of a similar design, with similar operating, performance, flight, and handling characteristics. The revision made by the FAA to the proposal made in Notice No. 95-11 will apply to all categories and classes of aircraft. As examples, the proposed revision will permit a student pilot to receive flight training in a Schweizer 2-33 and solo a Schweizer 1-26, or receive flight training in a two-place gyroplane but solo in a single-place version of that same gyroplane, even though the single-place version has a slightly smaller powerplant. The FAA also notes that a flight instructor must endorse a student pilot for solo flight in the actual make and model aircraft in which the student pilot will conduct flight operations."

QUESTION 1: A question has been raised regarding FAR 61.87(M). Does this regulation require a specific night solo endorsement be made in a student's logbook? The questions center around the endorsement provisions of 61.87(m)(3). It states that the student must have an endorsement for the specific make and model aircraft to be flown at night. It goes on to say that the authorized instructor must have given "..the training within the 90-day period preceding the date of the flight." It's been suggested that as long as you can show an endorsement for a specific make/model aircraft in the student's logbook, this would suffice. Would it? If the student already has a current solo endorsement in their logbook for a C152 for day time operations per 61.87(l) would that existing endorsement meet the requirements of (m)(3) since it is a model specific endorsement for the same aircraft to be flown at night? Is there a requirement for separate day and night time endorsements?

ANSWER 1: For your information, the correction document (issued July 30 ,1997) deleted §61.87(m)(3), and subparagraph (4) became (3). It was overkill. It is now a 90 day endorsement requirement only and yes a student must have a separate endorsement for operating solo at night. Yes it is a separate endorsement requirement.

QUESTION 2: Secondly....what happens to that endorsement on the 91st day? Is it your intention that the student must repeat the training previously received more than 90 days ago, or can the instructor simply sign off the student without additional instruction? §61.87(n)(1)(v) suggests that the original endorsement remains current provided the instructor "updates" the student's logbook every 90 days. I'm not quite sure what you mean by "update." Must the CFI make another endorsement, or do they simply have to show that the instructor has flown with the student within the last 90 days on some kind of instructional flight?

ANSWER 2: You do it just like any 90 day endorsement that expires. The flight instructor will need to re-sign the endorsement to permit the student to solo. If that instructor elects to give all the training required for a student to solo again then it is the instructor's call. However, in the "real world" most instructors who have been monitoring their student's training all along may give the re-endorsement if the instructor believes his or her is still proficient to continue to make solo flights without any specific amount of training given. It is the instructor's call! We believe the instructor knows his or her student's capabilities best.

QUESTION 3: The new rule says you must have an endorsement on the student pilot certificate for the make and model aircraft; and an endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor who gave the training within the 90 days preceding the flight. What do you mean by "gave the training?" Would the instructor providing this endorsement have to give the student all of the training required under 61.87(d)? If so, how do you handle a transfer student? Would you have to give that student all of the training in paragraph (d), or simply fly with them to verify their competency, and confirm they meet all the requirements for solo flight?

ANSWER 3: On a re-endorsement situation, read my answer on Q2 above. In the case of a transfer student between instructors, IF I WERE THE INSTRUCTOR taking over this student, I certainly would want to assure myself this student is proficient to solo. And yes, I

would give the student enough training where I could say to myself, yes the student is proficient. But no place in the rule does it require this, IT IS THE INSTRUCTOR'S CALL TO MAKE! But instructor's beware, because you all are responsible for your students. Morally and legally.
{q&a-12}

QUESTION: I have a question and some confusion on the new FAR 61.87 and 61.93 regarding the endorsement and training for "similar make and model of aircraft to be flown"..

Specifically, if a CFI endorses the student pilot certificate and logbook for a Cessna 150, could the student legally solo a Cessna 152, without a Cessna 152 endorsement in the logbook, if the CFI judged that the student demonstrated satisfactory proficiency and safety in the Cessna 152? If so, could the student also do solo cross-country in the Cessna 152?

Appreciate your response as I seem to be confused one exactly what the responsibilities and privileges are.

ANSWER: Read very carefully the words in §61.87(l)(2) and (n)(1)(v). It means the instructor must endorse the student's logbook for "the specific make and model to be flown." As an example, the student may receive flight training in a Cessna 150, but flies the Cessna 152 solo. The student will need a solo endorsement from his or her instructor for the Cessna 152 [specific make (Cessna) and model (152)]. Read the rules [i.e., §61.87(n)(1)(i) and (iii)] which govern the instructor's responsibilities to ensure their students are proficient in "the specific make and model to be flown." Therefore in answer to your specific question, the student must have an endorsement in his or her certificate and logbook for operating a Cessna 152 in solo flight. And if the student ever solo's a Cessna 150, the student's certificate and logbook must also contain a solo endorsement for the Cessna 150.

Notice the word "training" contained in §61.87(n)(1)(i), the rule does not specify whether the "training" has to be flight, ground, or both. We deliberately stated it that way to give the instructor liberty to train the student in a Cessna 150 and then endorse that student in "similar make and model of aircraft" Cessna 152 for solo flight. Read the FAA's Response on pages 16258-16259, beginning on the 3rd column, under the caption Section 61.87(c).

And even though you didn't ask the question, could a flight instructor provide "flight training" to a student in a Cessna 150 and then solo that student in a Cessna 172. The answer is yes, provided the student has received the proper solo endorsement and "training" for a Cessna 172. Could that same student receive flight training in a Piper PA 38-112 and then solo a Cessna 152. The answer is yes, provided the student has received the proper solo endorsement and "training" for a Cessna 152. But the instructor should be careful to ensure their student is capable of handling this kind of difference going from a Piper product to a Cessna product. The entire purpose of the rewrite of Part 61 is to place more responsibility on the instructor who knows his or her student best. Instructors beware, don't let us down.
{q&a-19}

61.93

QUESTION: Local instructors believe they can no longer sign off their fellow instructors students for solo-cross-country, because of 61.93(d)(3), unless the instructor has flown with that person. If a student has a unforecast weather problem and has to stay overnight how can an
instructor at a distant airport sign a student off to go back home even if he has talked to the students instructor?

ANSWER: Ref. §61.93(d)(3); The rule doesn't prevent an instructor from signing a student off for a cross country flight as was permitted under the old §61.93. They're reading too much into the new §61.93. The rule merely states "Determines that the student is proficient to conduct the flight safely."

And how does an instructor determine a student is proficient? Well, it MAY be merely reviewing the student's cross country planning. Or it MAY involve questioning the student on cross country procedures. Or it MAY involve both reviewing and questioning. Or it MAY involve some flying with the student. Or it MAY involve any of a number of ways instructors can DETERMINE whether a student is proficient to conduct the flight safely! Otherwise, the rule gives the instructors the benefit of the doubt for having judgment and being able to "determine".
No, we won't be starting up a new rulemaking action to write a definition of "DETERMINE" in §61.1.
{q&a-168}

61.96

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

"D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the

applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

QUESTION: Ref. §61.96(b)(4): Situation has come up where a person who is applying for a recreational pilot certificate took the private pilot knowledge test, because at the time the applicant was intending to apply for a private pilot certificate. The question is does this applicant now have to go back and take the recreational pilot knowledge test since he is only applying for the recreational pilot certificate or will the private pilot knowledge test report results suffice.

ANSWER: The private pilot knowledge test report results will suffice in this situation, (but only for this kind of situation).

As a result of a policy decision by the managers of AFS-840 and AFS-630 that was made approximately 6 months ago, it has been determined that in this situation where the person was initially intending on applying for the private pilot certificate and took the private pilot knowledge test but later on in the training that person changed their mind and decided to only apply for a recreational pilot certificate, the private pilot knowledge test report results will suffice.

The reason in this answer it was stated ". . . (but only for this kind of situation). . ." above is because the FAA knowledge tests and certification generally adhere to the "building block" concept. As an example, questions asked on the private pilot knowledge test are generally somewhat different than those asked on the commercial pilot knowledge test. However, in this case the questions asked on the recreational pilot knowledge test are somewhat similar to those asked on the private pilot knowledge test. Except on the private pilot knowledge test, the applicant is additionally tested on questions, as for example, that pertain to radio communication procedures, dead reckoning, navigation systems, etc. And the questions are generally somewhat more advanced.

This situation has only come up on 3 or 4 occasions in the past, and each time AFS-630 and AFS-840 have approved the applicants to use the test report results of the private pilot knowledge test. When this situation has come up in the past, the situation was the applicants initially intended to train for the private pilot certificate, but due to monetary and/or time constraints these applicants changed their minds and decided to only apply for the recreational pilot certificate.

{q&a-200}

61.97 & 61.98

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.
The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e.,". . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.") But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

> "A person who is applying for a . . . . pilot certificate must receive and log . . . training from an authorized instructor . . ."

This says exactly what it says (i.e., ". . . must receive and log . . . training from an authorized instructor . . ."

And per §61.189(a), it states:

> ". . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training . . . ."

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

> I certify that I have given (<u>First name, MI, last name</u>) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.
{q&a-206}

61.101

QUESTION: Having read the FAQ answer on §61.101, as well as the definitions of aeronautical experience requirements," §61.1(b)(3)(ii), and "flight training," §61.1(b)(6), and "ground training" §61.1(b)(8), I note that your answer regarding night flight concludes that the "recreational pilot must receive ALL of the cross-country aeronautical experience of subpart E of part 61," but the regulation in question 61.101(c) does not say "all aeronautical experience." It says the recreational pilot must have: "received ground & flight training from an authorized instructor on the cross-country training requirements of subpart E." Since "flight training" is defined in §61.1 as: "that training, other than ground training, received from an authorized instructor in an aircraft" my interpretation is that the "5 hours of solo cross-country time" from §61.109(a)(5)(i) is NOT required for the recreational pilot to get my endorsement for cross-country flight. Is this interpretation correct?

ANSWER: Ref. §61.101(c)(1), it says the ". . . the cross-country training requirements of subpart E of this part that apply to the aircraft rating held"

So for example, the ". . . the cross-country training requirements of subpart E of this part that apply to the . . ." for the airplane single engine rating would be:

Per §61.105(b):

(3) Use of the applicable portions of the "Aeronautical Information Manual" and FAA advisory circulars;

(4) Use of aeronautical charts for VFR navigation using pilotage, dead reckoning, and navigation systems;

(6) Recognition of critical weather situations from the ground and in flight, windshear avoidance, and the procurement and use of aeronautical weather reports and forecasts;

(12) Aeronautical decision making and judgment; and
(13) Preflight action that includes--

(i) How to obtain information on runway lengths at airports of intended use, data on takeoff and landing distances, weather reports and forecasts, and fuel requirements; and

(ii) How to plan for alternatives if the planned flight cannot be completed or delays are encountered.

and per §61.107(b)(1):

(i) Preflight preparation;

(vii) Navigation;

(xi) Night operations, except as provided in §61.110 of this part;

and per §61.109(a):

(1) 3 hours of cross-country flight training in a single-engine airplane;

(2) Except as provided in §61.110 of this part, 3 hours of night flight training in a single-engine airplane that includes--

(i) One cross-country flight of over 100 nautical miles total distance; and

(5) .* . * . *

(i) 5 hours of solo cross-country time;

(ii) One solo cross-country flight of at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of at least 50 nautical miles between the takeoff and landing locations;

{q&a-286}

QUESTION 1: Reference §61.101(c). §61.101(c) states:

(c) A person who holds a recreational pilot certificate may act as pilot in command of an aircraft on a flight that exceeds 50 nautical miles from the departure airport, provided that person has:

(1) Received ground and flight training from an authorized instructor on the cross-country training requirements of subpart E of this part that apply to the aircraft rating held;

(2) Been found proficient in cross-country flying; and

(3) Received from an authorized instructor a logbook endorsement, which is carried on the person's possession in the aircraft, that certifies the person has received and been found proficient in the cross-country training requirements of subpart E of this part that apply to the aircraft rating held.

As it states in §61.101(c)(1), in pertinent part, ". . . cross-country training requirements of subpart E of this part. . ." does this mean a recreational pilot must also receive the night cross country training [e.g., §61.109(a)(2)(i)]? Keep in mind, recreational pilots are prohibited from night flying even if they get this training.

ANSWER 1: Yes, the recreational pilot must receive **ALL** of the cross country aeronautical experience of subpart E of Part 61 and that also includes the night cross country training.
{q&a-106}

QUESTION: Does a recreational pilot need a logbook endorsement for every 50+ mile X/C from a CFI after receiving the extra instruction, or is the logbook endorsement for that extra X/C instruction sufficient for the person for all future 50+ X/C flights?

ANSWER: Review §61.101(c)(3). It says, in pertinent part, ". . . a logbook endorsement. . ." And "a" to me means one endorsement. A one time endorsement will suffice since the rule does not say a logbook endorsement is required each time.
{q&a-17}

61.103

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

"D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

61.105 & 61.107

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.
The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e.,". . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.") But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

> "A person who is applying for a . . . . pilot certificate must receive and log . . . training from an authorized instructor . . ."

This says exactly what it says (i.e., ". . . must receive and log . . . training from an authorized instructor . . ."

And per §61.189(a), it states:

> ". . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training . . . ."

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

> I certify that I have given (<u>First name, MI, last name</u>) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

> I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.
{q&a-206}

QUESTION 6: Situation is, I am a flight instructor and I have a student who is a Private Pilot and is rated in a single engine land airplane. This pilot is not seeking any further rating, but wants me to give him flight training on "stall awareness, spin entry, spins, and spin recovery techniques" just like it says in §61.105. The question is under §91.307(c) are parachutes required for this kind of training?

ANSWER 6: §61.105; No parachute is required. Historically the FAA's position on this issue, we have determined since this training is a private pilot requirement that is addressed in §61.105 as an aeronautical knowledge training area and the person is merely receiving training on a piloting skill that is a pilot certification requirement for receiving, and for maintaining, that private pilot certificate, parachutes are NOT required. The rationale of this determination, also covers student pilots, commercial pilots, airline transport pilots, and flight instructors. But as always, the FAA would never discourage the use of parachutes.
{q&a-136}

61.109

QUESTION 2a: Can a Flight Instructor with an Airplane Single-Engine rating (but no Instrument-Airplane rating on his CFI) provide a Private Pilot applicant with the Flight Training required by §61.107(b)(1)(ix) and §61.109(a)(3)? [i.e., the basic instrument maneuvers and the 3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments.].

CORRECTION ANSWER 2a: Ref. §61.109(a)(3); Yes, a CFI with only an Airplane Single-Engine rating (but no Instrument-Airplane rating on his CFI) may provide a Private Pilot-ASEL applicant with the flight training required by §61.107(b)(1)(ix) and §61.109(a)(3). And the reason this answer is so is because the aeronautical experience of §61.109(a)(3) does not state "instrument training," but merely says:

"3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight;"

QUESTION 2b: How about the ". . . 3 hours of instrument training in a single engine airplane . . ." per Part 141, Appendix B, paragraph 4.(b)(1)(iii), can a flight instructor with an airplane single-engine rating (but no Instrument-Airplane rating on his CFI) provide a Private Pilot applicant with the flight training required by Part 141, Appendix B, paragraph 4.(b)(1)(iii)?

CORRECTION ANSWER 2b: Ref. Part 141, Appendix B, paragraph 4.(b)(1)(iii); Yes, a CFI-ASE without an Instrument-Airplane rating on the flight instructor certificate can give the instrument training for the private pilot airplane single engine training required by Part 141, Appendix B, paragraph 4.(b)(1)(iii), [i.e., ". . . 3 hours of instrument training in a single engine airplane . . ."]. Even though I realize Part 141, Appendix B, paragraph 4.(b)(1)(iii) says " . . . instrument training . . ." the training is really only the kind of training described in §61.109(a)(3). {q&a-249}

QUESTION 1: In accordance with FAR 61.109(a)(5)(ii), it appears a person can meet their cross country requirements by flying from airport A to airport B, a distance of say of more than 50 NM, then back to airport A. Then on to airport C, a distance of say 25 NM, and then back to airport A. A total distance of at least 150 NM, one segment of at least 50 NM between takeoff and landing locations. The scenario is depart airport A, fly more than 50 NM to airport B. Then return and land at airport A. Then depart to airport C, and return and land at airport A. The cross country is 3 legs, total distance of at least 150 NM, and all complies with the regulations.

ANSWER 1: Ref. § 61.1(b)(3)(ii) and § 61.109(a)(5)(ii); To set the scenario, your question and my answer pertains to the rules that applies to the airplane rating at the Private Pilot Certificate level. And I'm assuming your cross country was performed in an single engine land airplane [i.e., § 61.1(b)(3)(ii)(A)]. And also, your cross country involves ". . . the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point . . ." [i.e., § 61.1(b)(3)(ii)(C)]. If all my assumptions are correct, then yes your cross country complies with § 61.1(b)(3)(ii) and § 61.109(a)(5)(ii).

Per § 61.1(b)(3)(ii) and specifically subparagraph (B), it states ". . . a point of landing that was at least a straight-line distance of more than 50 nautical miles from the original point of departure . . ." Therefore, as you stated Airport B is ". . . more than 50 nautical miles from . . ." Airport A (the original point of departure) and this fills the requirement.

And, per § 61.109(a)(5)(ii), it states "One solo cross-country flight of at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of at least 50 nautical miles between the takeoff and landing locations . . ." Therefore, as you stated, Airport A to Airport B is ". . . at least a straight-line distance of more than 50 nautical miles from the original point of departure . . ." [i.e., § 61.1(b)(3)(ii)(B)] and the 50 NM straight line leg segment requirement is met. And the total

distance from Airport A to Airport B back to Airport A and then onto Airport C and then back again to Airport A is ". . . at least 150 nautical miles total distance, with full-stop landings at a minimum of three points . . ." [i.e., § 61.109(a)(5)(ii)]. The landing at Airport A (original point of departure) while enroute from Airport B to Airport C is not prohibited by the rule.

QUESTION 2: Another question: is the 50 NM requirement from the "original" point of departure, or from the last airport of departure?

ANSWER 2: Ref. § 61.109(a)(5)(ii); I believe you are asking about the "…one segment of the flight consisting of a straight-line distance of at least 50 nautical miles between the takeoff and landing locations . . ." This requirement may be met between any pair of the three required landing points. In your scenario the requirement was actually met twice, between Airports A and B and again between Airport B and the return to Airport A.
{q&a-365}

QUESTION: I'm a student pilot in training seeking a Private Pilot Certificate with the Airplane Single Engine Land rating. On my night cross country flight, I had to land 45 nautical miles from the original departure airport to take on fuel. Then I proceeded on to a destination that was beyond 50 nautical miles from the original departure airport. Does this still count as a cross country required by §61.109(a)(2)(i) even though I made an intermediate stop within 50 NM from the original departure airport?

ANSWER: Reference §61.1(b)(3)(ii)(B) and §61.109(a)(2)(i); Yes, per §61.1(b)(3)(ii)(B), this counts as a cross country flight assuming your cross country flight also complied with the other provisions of §61.1(b)(3)(ii)(A) and (C); that the flight was performed in a single engine land airplane and you utilized ". . . dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point."

As per §61.1(b)(3)(ii)(B), your cross country flight included ". . . **a point of landing** that was at least a straight-line distance of more than 50 nautical miles from the original point of departure . . ." because after your intermediate stop to take on fuel you continued on to a destination that was ". . . more than 50 nautical miles from the original point of departure . . ." Therefore, your flight counts as a cross country flight. The requirement was made to ensure that an applicant's cross country training had some reasonable distance between the original point of departure and the destination. But we didn't reject landings made within the 50 NM radius because it is recognized there are also beneficial training aspects for allowing takeoffs and landings at other airports. Additionally, there could be situations like yours for fuel or because of weather or aircraft maintenance problems that required the pilot to land short of the 50 NM radius. But in such cases, if the pilot finally continues on to an airport more than 50 nautical miles from the original point of departure it would count as a cross country.
{q&a-316}

QUESTION 1: A student based on a small island that is training for either recreational or private certificates not required to meet the cross-country requirements of §61.99 or §61.109 if doing so would require flying more than 10 miles from the nearest shoreline, but a limitation on carrying passengers is applied. The question is, is such a person authorized to choose to expose himself, the aircraft and a willing instructor, to the added hazards of extended over-water flight

(more than 25 nm for recreational and more than 100 nm for private) and basically meet all of the cross country requirements for certification for the purpose of being issued a pilot certificate without the restriction of carrying passengers beyond 10 nm from the island?

ANSWER 1: Ref. §61.111; The key phrase here in §61.111 ". . . need not comply . . ." Notice, it does not say "shall not comply" or "must not comply," etc. So, if the student and the instructor properly equip their aircraft for overwater operations, then it would be permissible.

QUESTION 2: Considering the wording in section 61.111 (c) second phrase, "and meets all requirements for the issuance of a private pilot certificate, except the cross country training requirements of section 61.109 of this part" ect. The point has been raised that this provision could provide for private pilot certification, with the cross country limitation on the private pilot certificate, and the applicant having met all of the other requirements of 61.109 with a total time of as little as 27 hours. The 27 hours has satisfied all training and experience required other than the 3 hours of training required by 61.109 (a)(1) and the 10 hours solo required by 61.109(a)(5). A follow on question is: If at least 40 hours is required even with no cross country training or experience, what is the student expected to accomplish during this 13 hours that is normally cross country training?

ANSWER 2: Ref. §61.109 and §61.111; Sections 61.109(a) or (b) or (c) or (d), etc., the applicant is not excused from not meeting the ". . . 40 hours of flight time . . ." Nor does §61.111 excuse the applicant from not meeting the ". . . 40 hours of flight time . . ." The applicant must show ". . . 40 hours of flight time . . ." to make application for a private pilot certificate. It is up to the instructor and student what to do with the time that is otherwise required cross country aeronautical experience, as required by §61.109, if the training is taking place on a small island. However, even though §61.111 doesn't require the distance cross country training, some navigation training on the small amount of land space available can still be accomplished and this "extra" time could be applied.
{q&a-309}

QUESTION 1: Ref. §61.109(a)(3); Please verify that under Part 61 the CFI must have his/her instrument rating (CFII) to teach the 3 hours of instrument training required for private pilot certificate. See below. I'm concerned that this might affect some 141 schools.

ANSWER 1: Ref. §61.193 and §61.109(a)(3); For years, the FAA has differentiated between the kind of training described in §61.109(a)(3) [i.e., ". . . 3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight. . . ."] and REAL "instrument training." Therefore, since no rule specifically conflicts with the FAA's long standing policy on this issue, the FAA has always said a CFI-ASE can give the 3 hours of Private Pilot flight training on the control and maneuvering of an airplane solely by reference to instruments [i.e., §61.109(a)(3)] because the training is not REAL "instrument training."
{q&a-283}

QUESTION 1: The private pilot night aeronautical experience [i.e., §61.109(a)(2)] calls for ". . . 3 hours of night flight training . . ." Does this training have to be performed per the Part 1 night time definition (i.e., ". . . means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time) or per the §61.57(b) night time definition (i.e., ". . . beginning 1 hour after sunset and ending 1 hour before sunrise . . .")?

ANSWER 1: §61.57(b) and §61.109(a)(2); It requires this night time aeronautical experience be performed during the nighttime conditions described in §61.57(b). This training is required to be performed during the time period beginning 1 hour after sunset and ending 1 hour before sunrise. We want the training to be performed in "dark" night time conditions. As you are aware, the time between the end of evening civil twilight and the beginning of morning civil twilight is not even dark. Most times you can still see the sun on the horizon. We want the training to be performed in the dark of night.

QUESTION 2: Under §61.109(a)(2), the private pilot aeronautical experience requirements call for ". . . 3 hours of night flight training . . ." and under §61.109(a)(3), it calls for ". . . 3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments . . ." Can these aeronautical experience requirements be combined?

ANSWER 2: §61.51(b)(3); No, the times cannot be combined. In §61.109(a)(2), the rule was intended that the person perform the night training using a combination of pilotage, dead reckoning, and radio navigation under night conditions under visual flight rules. It was never intended to allow this training to be combined with the instrument training aeronautical experience required by paragraph (a)(3). In legally reading §61.51(b)(3), notice the periods after each subparagraph [i.e., (i) Day or night. (ii) Actual instrument. (iii) Simulated instrument conditions in flight, a flight simulator, or a flight training device.] Therefore, that means these are separate requirements and you cannot combine the logging of night time and hood time.
{q&a-230}

QUESTION 1: Is it possible that a student pilot could take the practical test for a private grade certificate in a tailwheel airplane without ever having received or logged wheel landings or have flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings? Part 61.31 (i) requires a pilot-in-command of a tailwheel airplane to have received and logged wheel landings. However, Part 61.31(k)(2)(ii) excepts holders of student pilot certificates from 61.31(i)(1)(ii).

ANSWER 1: Reference §61.107(b)(1)(iv). Most certainly, the applicant would have to exhibit skill and proficiency in wheel landings. A student pilot applying for a private pilot certificate using a tailwheel airplane shall comply with §61.107(b)(1)(iv), and one of the tasks in that area of operation (see FAA-S-8081-15; Private Pilot PTS on pages 1-11 thru -14) would involve "Exhibits knowledge of the elements related to a . . . and landing", and §61.107(a) requires the training be received and logged. §61.31(k)(2)(ii) is a stand alone rule, completely independent of §61.31(i)(1)(ii).
{q&a-97}

QUESTION 2: Does the 50 NM landing requirement apply to all dual cross country training?

ANSWER 2: Reference §§61.1(b)(3)(ii): **Yes**, each dual cross-country training flight must include **AT LEAST ONE** landing more than 50 NM from the original point of departure.
{q&a-101}

QUESTION 1: Is there a discrepancy between §§61.1(b)(3)(ii) vs. 61.109(a)(5)(ii)?

In §61.1(b)(3)(ii) cross country is ". . . **more than 50 nautical miles** . . ." and in §61.109(a)(5)(ii) cross country appears to be ". . . **at least 50 nautical miles** . . ."

ANSWER 1: §61.1(b)(3)(ii) is the overall rule for defining cross country for the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating) for a private pilot certificate. However, §61.109(a)(5)(ii) is a stand alone rule that requires a private pilot applicant to conduct a cross country that is ". . . . at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations."
{q&a-42}

Today, I have been answering calls on 61.109(a) which have brought up two issues. Can you help me understand?

QUESTION: First, given the definition of flight training in 61.1(b)(6) and training time in 61.1(b)(15), all of which must be received from an authorized instructor, how can there be such a thing as "solo flight training?"

ANSWER: In answer to your first question, yes we admit you have a point. However, try to write or even understand the rule by leaving off the word "training" in the context you have noted. We had to differentiate between "dual" flight training vs. "solo" flight training. We could have used the words "solo" and "dual" but we didn't. "Solo flight training" means the applicant must be solo.

It doesn't mean sole manipulators of the controls, IT MEANS SOLO! It doesn't permit a student to have another person on board. IT MEANS SOLO! So, if the student has another person on board, the student is not solo.

QUESTION: Second, I have assumed that the requirements in 61.109(a)(1), (2), (3), and (4) are included in the "20 hours of flight training from an authorized instructor" (in other words, dual), however, the way paragraph (a) reads, they could be included in the "10 hours of solo flight training." Should this be clarified?

In consideration of the preamble discussion, I would like to suggest rewording paragraph (a) to substitute "solo flight time" for "solo flight training," and insert "flight" in the last line so it would read, "and the flight training must include..."

ANSWER: Your second question, subparagraphs (1) through (4) of §61.109(a) is "dual" flight training and subparagraphs (i) through (iii) of §61.109(a)(5) is solo flight time. {q&a-18}

QUESTION 7: Am I correct in interpreting that the "instrument flight training" (phrase not used before in conjunction with PVT requirements) required by 61.109(a)(3) need not be given by a CFII since the language of 61.195(c) seems to limit the requirement to instrument and type ratings only?

ANSWER 7: [§61.109(a)(3) was corrected in the Correction Document that was issued on July 30, 1997 and now states: "3 hours of flight training in a single engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities, and radar service appropriate to instrument flight." And yes a CFI can teach it. It does not have to be a CFII. {q&a-8}

QUESTION: My recollection is that prior to new part 61, the old rule required no instrument time for private pilots. There was a requirement under old 61.107(a)(6) to provide flight instruction in the control and maneuvering of an aircraft solely by reference to instruments, but since there was no aeronautical experience requirement for simulated instrument time, it was interpreted as not requiring actual or simulated instrument time.

New Part 61 requires 3 hours of flight training on the control and maneuvering of an airplane solely by reference to instruments. The wording is very similar to the old rule, but it is contained in 61.109, Aeronautical experience. **We have been interpreting this as requiring either hood or actual instrument time. Is that correct, or could an applicant meet this requirement without having an actual or simulated instrument time in their logbook?**

ANSWER: The aeronautical experience required by §61.109(a)(3) would NOT have to be in simulated or actual instrument conditions. Otherwise, the aeronautical experience could be achieved without the student wearing a view limiting device.

However, according to our policy on this aeronautical experience, if a student were to perform the training with a hood or conduct the flight in actual instrument conditions and the training was certified by a CFII (i.e., CFII instrument-airplane) then the time would count as instrument training and could also be used to meet the aeronautical experience of §61.65(d). {q&a-69}

QUESTION 2: Can the long cross-country requirement of §61.109(a)(5)(ii) be met by landing at an airport 40 NM north of original point of departure, then over flying the original point of departure to land at an airport 40 NM miles south and then return to the original point of departure, thus acquiring (more than) the 150 NM flight with (more than) 50 NM between two points of landing and landing at three locations -- (without going beyond 50 NM of the original point of departure).

ANSWER 2: On this specific rule and this rule only, yes a landing beyond 50 NM is not required. But we're intending to change §61.109 so it parallels with the distance requirements of §61.1(b)(3)(ii).
{q&a-60}

QUESTION 18: A private pilot applicant has been given 2.5 hours training in control and maneuvering an aircraft with reference to instrument in an approved training device by an instructor. Is the actual flight time in the aircraft reduced from 40 hours to 37.5 hours?

ANSWER 18: YES. -- 61.109(a) says "Except as provided in paragraph (i) ... must log 40 hours of flight time..." However, the 3 hours required in control and maneuvering an airplane solely by reference to instruments must be accomplished in an airplane of appropriate class.
{q&a-60}

QUESTION: If a student is color blind, will he/she be restricted from flying at night? Or will the person never be able to get a pilot certificate? If there is simply a limitation, does the limitation go on the person's pilot certificate or on the person's medical certificate?

ANSWER: Reference §61.13(b). This person must have all the night training required per §§61.109. However, the use of the certificate will be appropriately limited per Order 8700.1, Volume 2, Page 27-6, Paragraph 5.G or H. The "night flying prohibited" limitation goes on the person's medical certificate when issued because of the medically documented deficiency per 61.13(b).
{q&a-218 question #3}; {q&a-60 question #21}

QUESTION: I am having trouble deciphering the required total time, dual time, and solo time for applicants of private pilot-glider ratings?

ANSWER: The answer is for the private pilot glider applicant is covered by the corrected §61.109(f) which states:

(f) <u>For a glider category rating</u>:

(1) If the applicant for a private pilot certificate with a glider category rating has not logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, at applicant must log at least 10 hours of flight training in a glider including 20 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include –

(i) 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed; and

(ii) Three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test.

(2) If the applicant has logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least 3 hours of flight training in a glider including 10 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include —

(i) 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6) of this part that apply to gliders; and

(ii) Three training flights in preparation for the practical test within the 60-day waiting period preceding the test.

Otherwise in simple terms paragraph (f)(1) requires for private pilot applicants that **have not** logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, the applicant must log at least--

1. A total of at least 10 hours of flight training in a glider
   a. 20 training flights performed on the areas of operation listed in § 61.107(b)(6) that includes three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test; and
   b. 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed

or

Otherwise in simple terms paragraph (f)(2) requires for private pilot applicants for the applicant that **has** logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least--

2. 3 hours of flight training in a glider
   a. 10 training flights performed on the areas of operation listed in § 61.107(b)(6) that includes three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test; and
   b. 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6).

{q&a-35}

61.110

QUESTION: An Alaskan pilot holds an ASEL issued prior to August 7, 1997 that still has a grandfathered "night flying prohibited" limitation. The pilot intends to add an ASES rating to his certificate. May the pilot continue to hold a certificate with the "night flying prohibited" limitation or must the pilot comply with the night flying training requirements, and if so, when or at what point is such required?

ANSWER: Ref. §61.110; This answer has been provided by *Donald E. Borey, Deputy Regional Counsel, FAA's Alaskan Region:*

Re: Questions Concerning § 61.110 of the Federal Aviation Regulations

Dear Mr. Ballew:

Tim Titus forwarded your email message to him regarding § 61.110 to me and asked me to respond.

As you know, §61.110(b) provides, in relevant part, that a person who receives flight training in and resides in the State of Alaska but does not meet the night flight training requirements of this section: (1) may be issued a pilot certificate with a limitation "Night flying prohibited" and (2) must comply with the appropriate night flight training requirements of this subpart within the 12-calendar month period after the issuance of the pilot certificate. At the end of that period, the certificate will become invalid for use until the person complies with the appropriate night training requirements of this subpart.

The first question you posed was whether a person who added an ASES rating to his certificate (that was issued prior to August 7, 1997 with a night flying restriction) needed to comply with the night flying

requirements within a year. You indicated that Allen Pinkston, AFS-640 said that he would have to satisfy the night flying training requirements. You asked if this was correct. Mr. Pinkston's statement is correct.

In the preamble to the Notice of Proposed Rulemaking that covered this particular regulation, the FAA stated:

" However, a person who has been issued a pilot certificate without meeting the night flying requirements of this proposal, prior to effective date of this rule, would be allowed to continue to hold that pilot certificate with the night flying limitation. If the person seeks an additional rating or higher pilot certificate level, the person would be required to comply with the night flying requirements that are appropriate to the pilot certificate level."

Therefore, the person who adds a seaplane rating to his "old" certificate that has a night flying restriction must comply with the night flying training requirements. If he is takes his training in and resides in Alaska, he will have a period of one year from the date of issue of the "new" certificate in which to obtain the training. If he does not, his certificate is no longer valid. Any "grandfather privileges" are gone. If he did not take his training in and does not reside in Alaska, he must complete the night training prior to issuance of the new rating.

As to your other questions concerning lost certificates or change of address, the fact that the replacement certificate has a new issue date would not trigger a requirement to comply with the night flying training requirements as the pilot has not added an additional rating or obtained a higher certificate level. He is simply replacing his lost certificate or changing his address. During a ramp check were an inspector to question the validity of that certificate, the pilot should explain that his certificate was issued to replace a lost certificate or to change his address on a certificate that was actually issued prior to August 4, 1997. He also might consider keeping a copy of his correspondence requesting the duplicate or change of address.

You next asked about an individual who obtains a Private Pilot certificate (I assume with ASEL rating) with the night flying prohibition and who, within a year, applies for and obtains an added rating (ASES). Then he gets an instrument rating, followed by an AMEL rating. At each stage, he is issued a new certificate with a new issue date. I understand your question to be "At what point does he have to comply with the night flying training requirements.

He must comply with the night flying training requirements for ASE within one year of the date he obtained the private pilot certificate. Once the ASE night flying training requirement is completed, e.g. for ASEL, there is no additional night training requirement for an ASES rating. Neither is there a night flying training requirement for the instrument rating. The night flying training requirements for the other additional rating, i.e., AME, must be obtained within one year of the date the AME additional rating is obtained. If he fails to comply with the night flying training requirement when each is due, his certificate will be invalid for use when the first due date is missed. Where the training was not timely obtained for earlier ratings, the fact that the certificate is invalid for use may not be apparent to anyone examining the certificate and looking only at the issue date. Absent examination of the pilot's logbook or some other investigation, discovery by anyone of the fact of invalidity is probably unlikely. Indeed, until a year has passed without any upgrade or added rating, the casual observer may have no indication that the certificate he is examining is invalid for use.

You also asked, "What about an individual who nor longer resides in Alaska as required by FAR §61.110? The regulation permits issuance of a restricted certificate to a person who takes his training in and resides in Alaska. The regulation permits a period of 12 months following issuance during which the person must get the night flying training. An individual who took his training in and was a bonafide resident of Alaska at the time he was issued the certificate with the "night flying prohibited" restriction based on §61.110 who later changes his residency to another state within the 12 month period following issuance would still have until the end of the 12 month period to obtain the night flying training.

I trust that this responds to your questions. Please contact me if you have any further questions concerning this response.

Sincerely,

Donald E. Borey
Deputy Regional Counsel
{q&a-389}

QUESTION: The question comes from Alaska..... The new night restriction for Alaska. Does the one year time frame for completing the required training apply to those pilots certificated prior to August 4, 97?

ANSWER 1: If the person's certificate was issued prior to August 4, 1997 with the "Night Flying Prohibited" limitation then we cannot go back and force that person to get the training.

QUESTION: For those certificated after August 4, with the restriction "night flying prohibited" placed on their certificate, just what does happen at the end of the one year when the pilot has not completed the required training to remove the restriction?

ANSWER: Just like the rule (i.e., §§61.110 and 61.131) says ". . . become invalid for use." So if anybody with a certificate issued on or after August 4, 1997 (emphasis added on or after August 4, 1997) that has the "Night Flying Prohibited" limitation then just like the rule says ". . . become invalid for use."
{q&a-21}

QUESTION: Regarding the requirement to obtain night flight experience for certain pilots, the FAA writes, in the preamble.....By deleting the exception for pilots who have night flying restrictions due to medical conditions, these pilots will now be required to have 3 hours of night flight training. However, the certificates of such pilots will be issued with an operating limitation prohibiting night flying.....

The number of students with medical conditions will certainly constitute a minority, it is my opinion, however, the requirement for 3 hours dual places an undue economic burden on those pilots. What purpose is served by flying a student at night who is unable to distinguish color due to color blindness?

ANSWER: Review §61.110, the only exception is for "A person who receives flight training in and resides in the State of Alaska . . ." That is the only applicants who are exempt but they are only exempt for 12 calendar months. And further, review §61.109(a)(2) or any of the §61.109(*)(2), it requires 3 hours of night flying and there are no exceptions.

So the first rationale for requiring the private pilot applicant to possess the night flying aeronautical experience is because the final rule requires it. The second rationale is because the FAA has determined that even a person who has a night vision impairment needs to gain the aeronautical experience even if his/her medical condition prevents him/her from operating at night. What would that applicant do if he/her were on a cross country and it ran over into darkness? Forget the violation of the FAR's (i.e., §61.53). Wouldn't it be better to gain the night aeronautical experience for the first time with an instructor on board, as opposed to the applicant being solo the first time? And the third rationale, do we also exempt the applicant who says I

never plan to fly under IMC, so why do I need to get 3 hours of basic instrument flying? And the next guy says I will never operate off a soft field, so why do I need to get aeronautical experience on soft field landings and takeoffs. See where these exceptions go once we get started on trying to accommodate everybody's individual needs.
{q&a-16}

61.113

QUESTION: § 61.113(c) says, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees."
So in the case of a charitable airlift, which is certainly a flight with passengers, it would seem that for each such flight, the charitable organization could reimburse his expenses, up to the pro rata limit defined by §61.113(c)?

And I have a legal interpretation from 1990 [Doc #: 1990-41; written by Mr. Michael E. Chase from the FAA's Office of Chief Counsel, dated December 7, 1990; titled as "FAR Section 61.118(d) Charitable Organization Exception"] regarding aircraft flights for charity. Would that still be valid for §61.113?

ANSWER: Ref. § 61.113(c) and (d); A private pilot, who is merely serving as a pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization described in § 61.113(d) [i.e., like the "10 cents per pound charitable airlifts"] is not required to pay for fuel, oil, airport expenditures, or rental fee expenses. The charitable organization may legally pay for those expenses.

But this exception provision to the "compensation or hire" issue for private pilots in § 61.113(d) does not in anyway permit compensation in the form of a monetary payment for piloting services. Otherwise, don't take liberties with § 61.113(d)!

As for the question pertaining to the legal interpretation #1990-41, written by Mr. Michael E. Chase from the FAA's Office of Chief Counsel, dated December 7, 1990, and titled as "FAR Section 61.118(d) Charitable Organization Exception" [i.e., *old §61.118(d) which is now paragraph (d) of §61.113*] that legal interpretation was based on a specific question relating to the arrangements for payment for fuel and oil costs when a private pilot utilizes his/her own aircraft for a passenger-carrying airlift sponsored by a charitable organization. In that legal interpretation, Mr. Michael E. Chase stated the following:

> ". . . For many years charitable organizations used the "Charity Airlift" as a means of raising funds. In such an airlift, the charitable organization offered an airplane ride in exchange for a personal donation. Many of the rides were given in aircraft furnished and operated by the private pilots who provided their services without compensation. The money donated by the passengers was retained by the charitable organization, and no payment for the service rendered was made to the pilot or aircraft owner; however, in some case the organization paid for or supplied the fuel and oil consumed during the flights . . . ."

Mr. Chase's legal interpretation is still valid as it relates to the arrangements for payment of expenses when a private pilot utilizes his/her own aircraft for a passenger-carrying airlift sponsored by a charitable organization, provided the operation conforms with § 61.113(d).

And continuing on as a matter of discussion about § 61.113, Mr. Chase has stated that although § 61.113 may be less than crystal clear, it is the legal opinion of the FAA's Office of Chief Counsel, AGC-240, that paragraphs (d) and (e) are considered separate and distinct exceptions to the general limitations on the "compensation or hire" issue for private pilots. For example, if a private pilot is doing a search and location mission [as covered under paragraph (e) of § 61.113], a private pilot may be reimbursed for ALL of the identified expenses associated with that search and location mission. And it DOES NOT matter if another person is on board the aircraft in a search and location mission or not! Otherwise, if a private pilot is doing a search and location mission [as covered by paragraph (e) of § 61.113], then the sharing of expenses as addressed in paragraph (c) of § 61.113 does not come into play.

Although paragraph (c) of § 61.113, states "A private pilot may not pay less than the pro rata share of the operating expenses . . . " that rule is intended for an arrangement like a situation described in paragraph (b) of § 61.113 (i.e., incidental to any business or employment). For example, a private pilot and some coworkers agree to fly from their home in Topeka, KS to Oklahoma City, OK for a business meeting. The flight is incidental to any business or employment that private pilot is involved in. Otherwise, the provision ". . . incidental to any business or employment . . ." means the private pilot's employment/business does not involve "air commerce," "air carrier," or "air transportation" operations. The flight may be ONLY ". . . incidental to any business or employment . . ." of that private pilot. And this example, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees."

If a private pilot is conducting a flight that fits into the ". . . flight is only incidental to that business or employment . . ." exception [i.e., paragraph (b)(1) of § 61.113], it is legal for a private pilot to be reimbursed by his/her employer regardless of whether any other passengers are carried or not. Thus for example, a wife or husband of a private pilot may go along on a flight, and in essence get a "free" ride. This kind of flight [i.e., ". . . flight is only incidental to that business or employment . . ."] is an exception to the shared expense provisions of paragraph (c).

And another example of what is NOT legal under § 61.113(b)(1). Lets say a private pilot attempts "pull the wool" over on the FAA by saying he/she is in the fishing boat charter business. However, the FAA notices that this private pilot does some local advertisements with flyers and in the newspaper about weekend fishing trips with just ". . . his friends . . ." from their homes in Oklahoma City, OK to Padre Island, TX for fun-filled weekend fishing trips. The private pilot utilizes his/her own airplane or rents the airplane from another party. And again the private pilot tries to "pull the wool" over on the FAA by saying these weekend flights are ONLY ". . . incidental to any business or employment . . ." And again this private pilot tries to "pull the wool" over on the FAA by saying he/she owns a fishing chartering business but doesn't charge ". . . my friends . . ." for the flight. He/she says the charges are only for the fishing boat rides and there is no charge for the airplane flight. Don't try it! Don't take liberties with § 61.113(b)(1)!
{q&a-400}

QUESTION: Do the FAR's address the carrying passengers while towing gliders (or banners)? I have been told that only required crew may be aboard the tow aircraft. However I can not find this in the FAR's.

ANSWER: Ref. §61.113 and §61.69; There is no prohibition to carry passengers while performing the duties of a glider tow pilot. Of course, the pilot must meet requirements of section 61.69. That section does not place any limitation upon caring a passenger. The privilege to perform as a glider tow pilot under section 61.113 does not place any such limitation. In fact, it gives this privilege to a private pilot and private pilots have the privilege of caring passengers. {q&a-330}

QUESTION: I believe that questions Q&A 95 and 88 deal with a safety pilot logging PIC time. Our Regional Counsel says that if a private pilot logs flight time and uses it to meet the aeronautical certification requirements for an additional rating, that is compensation. As you might guess, there are a bunch of Private Pilots out here that are using that safety pilot PIC time to qualify for additional ratings.

If a Private Pilot acts as a safety pilot in accordance with §91.109(b)(1), and that pilot logs that time as PIC in accordance with §61.51(e)(iii), are they now in violation of §61.113(a) since they have received compensation (free flight time) for acting as pilot in command [i.e., §61.51(e)(iii)]?

ANSWER: Ref. §61.113(a) and §61.51(e)(iii); Yes, the Private Pilot who is serving as a safety pilot and is acting as the PIC may log the time as PIC time. And yes, that Private Pilot may use that PIC time for the furtherance of a pilot certificate and rating under Part 61. And no, that Private Pilot is NOT ". . . . carrying passengers or property for compensation or hire;" nor is that Private Pilot acting as a pilot in command ". . . for compensation or hire, ..." when he serves as a safety pilot. In accordance with §91.109(b)(1), it permits a person who holds a Private Pilot Certificate with a category and class rating appropriate to the aircraft being flown to serve as a safety pilot.

And this answer has been reviewed by the FAA's Washington HQ Chief Counsel Office (AGC-240), and they have agreed with this answer.
{q&a-273}

QUESTION: (1) In the context of operations conducted by the Civil Air Patrol, the revised FAR 61.113(e) provides that a private pilot may be reimbursed "....for aircraft operating expenses that are DIRECTLY RELATED TO SEARCH AND LOCATION OPERATIONS, provided the expenses involve only fuel, oil, airport expenditures, or rental fees..." This has given rise to some troubling questions. For example, if a CAP member, who is a private pilot, rents an airplane to assist with a search operation, it seems clear under the regulation he may be reimbursed his out-of-pocket "...fuel, oil, airport expenditures, or rental fees..." So far so good, the CAP member private pilot has not lost any money. But what if the same CAP member owns his own airplane--was it the intent of the new regulation that such a pilot may rent it to CAP to recover his out-of pocket costs or was the intention of the new rule to require such a private pilot member of CAP to either not fly the mission or assume the aircraft operating expenses himself ?

(2) Another troubling question is, if CAP wants a member, who is a private pilot, to give orientation flights to its cadets members, or fly himself or other CAP members to a CAP meeting or participate in training flights, was it the intent of the new rule that such flights be treated as "directly related to search & location operations" ? If not, is there some way the private pilot can be reimbursed the same out-of-pocket "...fuel, oil, airport expenditures, or rental fees..." ? Or is the intent and effect of the new rule to force a private pilot volunteer to CAP to assume or part of that out-of-pocket financial burden himself or forego making the flight?

ANSWER 1: Ref. §61.113(e); The answer is no, ownership costs are not reimbursable costs. The rulemaking team that drafted this rule specifically intended not to include ownership costs in reimbursable costs. The decision was based on the realization that trying to establish what would be REASONABLE reimbursement ownership costs was impossible to establish. Additionally, the decision was based on the conditions and limitations that were contained in past grants of exemption from the old §61.118 which was the basis for adopting §61.113.

ANSWER 2: Ref. §61.113(a); No, there is no way for a private pilot to recover such costs. The rulemaking team that drafted this rule did not consider expanding those kinds of privileges to private pilots. With what was adopted in the new §61.113, the line between the privileges and limitations of the private pilot vs. the commercial pilot is getting more and more narrow! However, the Civil Air Patrol has petitioned for a grant of exemption and I know your petition is being processed at this time.
{q&a-162}

QUESTION: I have reviewed your question in which you asked whether a private pilot may receive compensation while towing gliders, in accordance with the new §61.113(g).

ANSWER: The answer is no, a private pilot may not receive compensation for towing a glider.

The intent, and the wording of the new §61.113(g), was to permit a private pilot who meets the requirements of §61.69 of this part to ". . . act as pilot in command of an aircraft towing a glider" for the purpose of logging pilot in command (PIC) time. The new rule was never intended to conflict with the FAA's long standing legal interpretations and policies on compensation for private pilots. And the wording of the new §61.113(g) only addresses the issue that permits a private pilot to ". . . act as pilot in command of an aircraft towing a glider" for the purpose of permitting a private pilot to **log** pilot in command time. As you recall, the wording of the old §61.69 permitted a private pilot to act as a PIC but was moot on logging the time. The new §61.113(g) was issued to correct it.

However, we agree the wording of the new §61.113(a) may be confusing. In the next go-around on correcting some of the wording mistakes, we have recorded it as a candidate for correction to conform the intent and the wording of §61.113(g).
{q&a-72}

61.115

QUESTION: Can a Designated Pilot Examiner with a balloon authorization remove the limitation "Limited to Hot Air Balloons with Airborne Heater", or must it be removed by a Flight Standards Inspector? We have a Private/Commercial Pilot who holds LTA-Balloon with the limitation: Limited to Hot Air Balloons with Airborne Heater. Our intrepid airman has completed all of the regulatory requirements in a GAS BALLOON for the removal of the "airborne heater" limitation. A review of Order(s) 8700.1 and 8710.3C show that DPE's are allowed to remove certain limitations based on training, experience, and endorsements - but not necessarily this one.

ANSWER: Ref. §61.115(a); §61.133(b)(2)(iii); and FAA Order 8710.3C, page 1-3, paragraph 3.A. Yes, an examiner with the appropriate letter of authorization (LOA) is authorized to remove the "Limited to Hot Air Balloons with Airborne Heater" limitation. That examiner's DPE letter of authority must provide for privileges for conducting practical test in gas balloons. In reference to FAA Order 8710.3C, page 1-3, paragraph 3.A, the Order does not prohibit examiners from being authorized to remove the balloon limitations. In reading paragraph 3.A of FAA Order 8710.3C, it merely grants privileges ". . . to accept applications . . . appropriate to the certificates and letter of authorization (LOA) held by the examiner." So by process of elimination, it would seem reasonable that an examiner who has gas balloon privileges on his/her letter of authority would be permitted to remove the limitation.

And in both §61.115(a) and §61.133(b)(2)(iii), the examiner would merely need to check and verify the applicant's records to insure the applicant has obtained ". . . *the required aeronautical experience in a gas balloon and receives a logbook endorsement from an authorized instructor who attests to the person's accomplishment of the required aeronautical experience and ability to satisfactorily operate a gas balloon.*"
{q&a-388}

QUESTION: A Private, or Commercial, Pilot with LTA-Balloon wants to remove the "Airborne Heater" Limitation from his certificate.

We know the number and length of flights the FAR's require, but since there is not a "Practical Test" involved, do the flights need to be done in the "60 days" prior to submitting the application to remove the limitation?

ANSWER: Ref. §61.39(a)(6)(i) and §61.115; There is no recency of experience training endorsement requirement because no practical test is required for removal of the balloon rating limitation (i.e., per §61.115) and §61.39(a)(6)(i) does not apply. As per §61.115(a)(2) or (b)(2), as appropriate, the pilot only needs to ". obtains the required aeronautical experience . . . and receives a logbook endorsement from an authorized instructor who attests to the person's accomplishment of the required aeronautical experience and ability to satisfactorily operate a . . .".
{q&a-327}

61.123

QUESTION: Is an applicant who holds an ATP certificate with ASEL and AMEL ratings required to perform the instrument tasks (i.e., Area of Operation III B. Instrument Takeoff and E. Instrument Departure, and Area of Operation V. Instrument Procedures, B. Landing from a Precision Approach, and D. Landing from a Circling Approach) of the ATP practical test to add the ASES rating at the ATP level? Particularly, "landing from a precision approach" presents a problem as we know of no location with an ILS to a sea base (water landing).

ANSWER: Ref. § 61.165(e)(1) and (4); Yes, a person seeking an additional ASES rating at the ATP certificate level must be tested on the instrument tasks per § 61.165(e)(4), ". . . applying for an airline transport certificate with an additional class rating . . . Pass a practical test on the areas of operation of § 61.157(e) appropriate to the aircraft rating sought." Yes, these include: "Area of Operation III B. Instrument Takeoff and E. Instrument Departure, and Area of Operation V. Instrument Procedures: B. Landing from a Precision Approach, and D. Landing from a Circling Approach" of the Airline Transport Pilot and Aircraft Type Rating Practical Test Standards FAA-S-8081-5C.. Additionally, per that Practical Test Standards, page 8, if the applicant does not hold a commercial pilot certificate with a seaplane class rating and desires an airplane class rating of single-engine sea, the tasks 1 through 14 listed on page 8 must also be accomplished.

We agree that performance of an ILS approach with a landing on the water can not be required since we also don't know of any ILS approaches to a water landing site. That is an example of where the instructions contained on page 5 apply [i.e., under the paragraph "Use of the Practical Test Standards" of the "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards" FAA-S-8081-5C] that instructs the examiner ". . . However, when a particular ELEMENT is not appropriate to the aircraft or its equipment, that ELEMENT, at the discretion of the examiner, may be omitted." The landing element simply cannot be accomplished. Which means the applicant must do the ILS approach, but no water landing from an ILS approach is required. But the ILS approach is required to be performed.
{q&a-384}

QUESTION 4: Ref. §61.123(h); Assuming no military certification (§61.73), is there any way of earning a Commercial Pilot Certificate without first receiving a private pilot certificate?

ANSWER 4: Ref. §61.123(h); A person may only apply for a Commercial Pilot Certificate, provided that applicant "Holds at least a private pilot certificate issued under this part or meets the requirements of §61.73 . . ."
{q&a-257}

QUESTION: Under new Part 61 can an applicant present himself for a commercial flight test with the following in hand:

> Private pilot certificate, issued on the basis of a foreign certificate (although still issued under "this part" re:§61.123 [h]), written test for commercial only, aeronautical experience exceeding all private (U.S.) and commercial requirements.

Does this private pilot certificate issued on the basis of a foreign certificate meet the §61.123 (h) requirement that the "private pilot certificate issued under this part"?

ANSWER: Ref. §61.123(h); Yes, per §61.123(h) which reads:

> "Hold at least a private pilot certificate issued under this part or meet the requirements of §61.73; and"

Therefore, it can be a private pilot certificate issued under §61.103 or under §61.75. Again the key phrase of §61.123(h) says ". . . private pilot certificate issued under this part . . ." And a private pilot certificate issued under §61.75 is ". . . under this part (e.g., Part 61). . ."

And to further my rationale in this answer, look at how §61.153(d)(3) is worded:

> (d) Meet at least one of the following requirements:
> * * * * *
> (3) Hold either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation.

So, we even permit the holder of a foreign airline transport pilot or foreign commercial pilot license and an instrument rating to be used as a basis for applying for our U.S. airline transport certificate.
{q&a-219}

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

> "D. English Language Requirement.
> (1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the

applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

QUESTION 5: The situation is a foreign pilot holds a U.S. private pilot certificate with an airplane multiengine land rating that was issued on the basis of the person's Canadian commercial pilot certificate. He also holds Instrument Airplane (U.S. Test Passed) on that U.S. private pilot certificate. The person now comes to the FAA and applies for an un-restricted U.S. commercial pilot with an airplane multiengine land rating. However, the person's foreign pilot certificate is not current because that person has allowed his foreign medical license to lapse (which is a Canadian requirement for the person's Canadian commercial pilot certificate to remain current). However, that person has a current U.S. Class III medical certificate that was issued under Part 67. However, under §61.75(a), it states the person must hold a current foreign pilot license. Can the person apply for an un-restricted U.S. commercial pilot with an airplane multiengine land rating with an out-of-date foreign medical license but with a current U.S. medical certificate?

ANSWER 5: Ref. §61.123; Yes, provided the person meets the requirements of §61.123. The person can apply for the commercial pilot certificate. I agree the person has allowed his foreign medical license to lapse which according to that specific country's rules makes his foreign pilot certificate not current. However, he has a current U.S. medical certificate and that is what is required under the eligibility requirements of §61.123 to apply for commercial pilot certification.

{q&a-136}

QUESTION 10: FAR 61.123(h) requires an applicant for COM'L to hold a PVT; 61.153(d) requires an ATP applicant to hold a COM'L/IFR. What is the proper documentation for an applicant who meets all the experience requirements as a foreign military pilot --not eligible under 61.73-- who takes a combined PVT & COM'L test, or combined IFR and ATP test? In the past we completed one (1) 8710-1 and the examiner issued one (1) temporary, and collected the PVT & COM'L, or ATP and IFR test results. Must they now fill out two (2) 8710-1's and two (2) temporaries [one for each rating], and turn in the test results, the 8710-1's and the "superseded" temporary they just filled out?

ANSWER 10: [§61.153(d)(3)] reads "Holds either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation." Like the rules states the

documentation would be the person's "foreign airline transport pilot or foreign commercial pilot license and instrument rating."
{q&a-8}

QUESTION 1: An examiner has an applicant going for a commercial certificate. The applicant holds a restricted private certificate. The country that issued him his PPL did not require any night training. The old Part 61 required a commercial applicant to hold a private or meet the experience requirements for a private. The new 61 requires the applicant to hold a private, that's all.
Does the above applicant need to meet the new 61 [61.109(a)(2), 61.109(a)(2)(i) and 61.109(a)(2)(ii)] private requirements in addition to the new commercial 61 [61.129(a)(3)(iv)] requirement so that at certification he would have 5 hours night dual and 5 hours night solo or would the applicant be certificated with 2 hours night dual and 5 hours night solo?

ANSWER 1: No; Just like §61.123(h) states "Hold at least a private pilot certificate issued under this part . . ." **HOWEVER**, **to qualify** for the commercial pilot certificate, the applicant would have to meet ALL of the APPROPRIATE aeronautical experience requirements of §61.129. That would mean he would have to meet those night flying aeronautical experience requirements of **§61.129(a)(3)(iv) and (a)(4)(ii).**
{q&a-78}

61.125

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.
The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e.,". . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.") But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

> "A person who is applying for a . . . . pilot certificate must receive and log . . . training from an authorized instructor . . ."

This says exactly what it says (i.e., ". . . must receive and log . . . training from an authorized instructor . . ."

And per §61.189(a), it states:

> ". . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training . . . ."

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

> I certify that I have given (First name, MI, last name) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

> I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.
{q&a-206}

61.127

QUESTION: The question has to do with whether it is required that commercial pilot-AMEL applicants are required to receive "ground and flight training" and specifically FLIGHT TRAINING in a light twin that has pressurization to meet the requirement of §61.127(b)(2)(x) for High-altitude operations. Can this be met by ground training only? Would it be tested by knowledge only on the practical test if the aircraft has no pressurization system.

Some inspectors (and possibly examiners, too) are reading the "ground and flight training" and requiring that "FLIGHT" training has occurred and been endorsed. This could often require the use of a more expensive and higher performance aircraft than the one otherwise being used. I doubt that this is the intent.

I'm trying to figure out what §61.127(b) (2) (x) means to us CFI's, and to the FAA's ASI's and DPE's and other representatives of the Administrator.

Per §61.127(a) and (b)(2)(x), it states, in pertinent part,

(a) General. A person who applies for a commercial pilot certificate must receive and log ground and flight training from an authorized instructor on the areas of operation of this section that apply to the aircraft category and class rating sought.

(b) Areas of operation.

* * * * *

(2) For an airplane category rating with a multiengine class rating:

* * * * *

(x) High-altitude operations; and

* * * * *

ANSWER: Okay folks, let's all take a deep breath and from this day forward we agree that we'll all begin using common sense when reading the FARs!

Ref. §61.127(a) and (b)(2)(x); The answer is **NO**, commercial pilot applicants for the AMEL rating are not required to receive flight training in a pressurized multiengine airplane to meet the eligibility requirements for the commercial pilot certificate with a AMEL rating. The applicant can receive only ground training on pressurization and that will suffice. The key words in §61.127(a) state, in pertinent part, ". . . that apply to the aircraft category and class rating sought . . . ." If the training airplane is not equipped with pressurization, then we cannot nor does §61.127(a) and (b)(2)(x) require the applicant to receive flight training in a pressurized airplane. But yes I admit I should have worded §61.127(a) by adding some phrase like:

". . . if the training aircraft is so appropriately equipped with pressurization."

And as for that portion of the question concerning whether the task "Pressurization" in the Area of Operation "High-Altitude Operations" has to be tested on the practical test, the answer is addressed in Commercial Pilot-Airplane PTS, specifically on pages 1-27, 2-33, 3-32, or 4-38 where it states:

". . . This task applies only, if the flight test airplane is equipped for pressurized flight operations."

So the answer is no, the task "Pressurization" is not required to be tested orally or in flight on the practical test, unless the flight test airplane is so equipped for pressurized flight operations. {q&a-209}

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.

The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e.,". . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.") But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

> "A person who is applying for a . . . . pilot certificate must receive and log . . . training from an authorized instructor . . ."

This says exactly what it says (i.e., ". . . must receive and log . . . training from an authorized instructor . . ."

And per §61.189(a), it states:

> ". . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training . . . ."

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

> I certify that I have given (<u>First name, MI, last name</u>) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

> I certify that I have given (<u>First name, MI, last name</u>) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.
>
> S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.
{q&a-206}

QUESTION 2: Part 61.127(b)(1)(x) refers to high-altitude operations. §61.127 (a) says the applicant must have received ground and flight training in those areas of operation. Does that mean a commercial applicant single engine land must find a pressurized single engine aircraft or an aircraft equipped with oxygen for training?

ANSWER 2: NO. However, the applicant must receive training on high-altitude operations and physiological and be prepared for knowledge testing relating to the appropriate Areas of Operation.
{q&a-112}

61.129

CORRECTION: With this correction, instrument training acquired in preparation for an instrument rating may meet the commercial certificate instrument training requirement. Note, such credit does not reduce the total 20 hour training requirement as the instrument training is just one of the elements to be included within the total.

QUESTION: Situation is an applicant is seeking a commercial pilot certificate and already holds an instrument rating appropriate to the category and class rating sought. I continue to get repeated questions concerning this question whether the ". . . 10 hours of instrument training . . ."required for the commercial pilot certificate for the airplane single engine, airplane multiengine, helicopter, gyroplane, and powered-lift ratings is required for an applicant who already holds an instrument rating that is appropriate to the category and class rating sought?

ANSWER: Ref. §61.129(a)(3)(i); §61.129(b)(3)(i); §61.129(c)(3)(i); §61.129(d)(3)(i); and §61.129(e)(3)(i); The answer is no, applicants for commercial pilot certificate with the airplane single engine, airplane multiengine, helicopter, gyroplane, or powered-lift ratings and who already holds an instrument rating that is appropriate to the category and class rating sought is not required to accomplish an additional ". . . 10 hours of instrument training . . ."

However, don't read anything more than what is specifically stated here. Again, what I am saying is if an applicant already holds an instrument rating that is appropriate to the category and class rating sought then that applicant need not accomplish an additional ". . . 10 hours of instrument training . . .". Otherwise, don't read into my answer that since I am saying that the applicant need not accomplish an additional ". . . 10 hours of instrument training . . ." that you can stretch the answer by reducing the required commercial pilot training hours requirements from 20 hours [i.e., § 61.129(a)(3), (b)(3), (c)(3), (d)(3), and (e)(3)] to 10 hours. Those required hours of training ". . . on the areas of operation listed in § 61.127 . . ." CANNOT be reduced. And the applicant is still going to be tested and need training on the Area of Operation VII Navigation (Tasks **A.** PILOTAGE AND DEAD RECKONING; **B.** NAVIGATION SYSTEMS AND ATC RADAR SERVICES; **C.** DIVERSION; and **D.** LOST PROCEDURE) which will require the

applicant to demonstrate satisfactory proficiency and competency on instrument tasks applicable to those tasks.

And also if an applicant already holds a commercial pilot certificate and is seeking an additional aircraft class rating within the same category of aircraft rating held by the applicant then that applicant [per § 61.63(c)(4)] ". . . Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought unless the person holds a lighter-than-air category rating with a balloon class rating and is seeking an airship class rating; and . . ."]. Otherwise, that applicant need not accomplish an additional ". . . 10 hours of instrument training . . .". However, the instructor will be expected to provide the applicant with enough instrument training in order for the applicant to demonstrate satisfactory proficiency and competency on Area of Operation VII Navigation.

And if an applicant is undergoing a combined Part 141 Commercial Pilot Certification and Instrument Rating approved course then that applicant need not accomplish an additional ". . . 10 hours of instrument training . . .". Because in this situation, the applicant is getting instrument training and there would be no way, or need, to differentiate the instrument training required in the Instrument Rating course with the instrument training required in the Commercial Pilot Certification course.
{q&a-395}

SCENARIO: I would like to request an interpretation of the following excerpt from the Orlando FSDO Flight Instructor Special Emphasis Program dated October 1999. (***Bolded italics added*** *to identify the statements relating to the questions below*).

> "At issue is the performance of simulated or actual instrument flight during dual VFR cross country training for the commercial pilot-airplane certification eligibility [i.e. §61.129(b)(4)(i)], or the performance of dual instruction to accomplish simulated or actual instrument training during the long cross country flight while the commercial pilot applicant is "performing the duties of pilot in command". ***Specifically, the dual cross country training flights for commercial pilot certification are required to be conducted visually,*** and simulated or actual instrument time accrued during these flights prohibits them from being used to meet the eligibility requirements of the applicable regulations. Additionally, the solo requirements for commercial pilot certification in multiengine airplanes can also be met while "performing the duties of pilot in command" with an authorized instructor aboard the aircraft. Since insurance requirements usually prohibit students from soloing multiengine airplanes, the regulations provide for an authorized instructor to be aboard the multiengine aircraft while the student is performing the prescribed solo requirements. However***, no dual instruction is to be conducted during these "performing the duties of pilot in command" flights. Essentially, nothing can occur on the flight that the student could not perform themselves if they were actually operating the aircraft as the sole occupant."***

QUESTION 1: Need an interpretation on whether dual instruction can be given during the cross country training of §61.129(b)(4)(i) where there is an authorized instructor aboard the multiengine airplane while the student is performing ". . . the duties of pilot in command . . . with an authorized instructor . . ." It has been stated that essentially nothing can occur on the flight

that the student could not perform themselves if they were actually operating the aircraft as the sole occupant. This seems to contradict your answer to {q&a-127} that states "the CFI shall act like an SIC and also observe and train the student on ". . . performing the duties of pilot in command in a multiengine airplane ".

ANSWER 1: Ref. §61.129(b)(4); My answer to this question is a **qualified yes**. First of all, the answer that was provided to you by the Orlando FSDO No. 15 was appropriate with the information that was provided to them in Q&A 189. However, after further review of my answer in Q&A 189, it was determined that my answer wasn't legally accurate. I have had to revise it and that revision will show up in the next Q&A website update.

Now for my answer to your specific question. It is a "**qualified yes**" because only a certain kind of training can and should be given by the instructor during this flight [i.e., ". . . performing the duties of pilot in command . . . on the areas of operation listed in § 61.127(b)(2) . . ."]. The intent of §61.129(b)(4), in essence, is to provide for the kind of training that is commonly referred to as crew resource management (CRM) training. As per §61.129(b)(4), it states in pertinent part, ". . . 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor . . . on the areas of operation listed in §61.127(b)(2) of this part that includes at least--" And the kind of training that is permitted under §61.129(b)(4) shall ONLY be to meet the aeronautical experience provisions of §61.129(b)(4). It is not permitted to "double log" the aeronautical experience required by §61.129(b)(4) and then also log it as meeting the aeronautical experience of §61.129(b)(3).

The history behind §61.129(b)(4) when the rule was originally being developed by the FAA's rulemaking team is that it was to read identical to the other solo provisions in §61.129 for the airplane single engine, rotorcraft helicopter, rotorcraft-gyroplane, and powered-lift ratings. However, after the NPRM was issued, the FAA received several comments from FBOs stating that their insurance policies do not allow rental of their multiengine airplanes without a qualified and rated PIC on board. So the FAA backed off this solo requirement and added the phrase ". . . performing the duties of pilot in command in a multiengine airplane with an authorized instructor [either of which may be credited towards the flight time requirement in paragraph (b)(2) of this section] . . ."

The intent of this provision in §61.129(b)(4) [i.e., ". . . performing the duties of pilot in command . . . with an authorized instructor . . ."] is to permit an authorized instructor to be aboard the multiengine airplane and that instructor should only act like an SIC. The instructor should observe, evaluate, and may train the student on performing the duties of pilot in command in a multiengine airplane (e.g. CRM training). The instructor should confine their activities to giving training on ". . . performing the duties of pilot in command . . . on the areas of operation listed in § 61.127(b)(2) . . ." The instructor should put more emphasis on acting like an SIC so the applicant gets the benefit and experience of performing the duties of a pilot in command in crew concept setting (e.g. CRM training).

Let's say the applicant performs a 5 hour cross country flight with an authorized instructor aboard for the §61.129(b)(4)(i) requirement. In recording this time (i.e., ". . . performing the duties of pilot in command . . . . . with an authorized instructor . . .") in the applicant's logbook, it would read as follows:

Airplane multiengine land time: 5 hours
Cross country time: 5 hours
Dual Received time: 5 hours
Total Time: 5 hours
Description of training: (This is an example only) PIC training per §61.129(b)(4).
John Doe, CFI #5555555, Exp. 12-31-00

In the flight instructor's logbook, it should be recorded as follows;

Airplane multiengine land time: 5 hours
Cross country time: 5 hours
Pilot in command: 5 hours
Training time given: 5 hours
Total Time: 5 hours
Description of training: (This is an example only) PIC training to Robert Smith, Cert. #1111111, ref. §61.129(b)(4). John Doe, CFI #5555555, Exp. 12-31-00

QUESTION 2: The statement above with respect to §61.129(b)(3)(iii) and §61.129(b)(3)(iv) require VFR conditions, however §61.129(b)(4)(i) does not state VFR conditions. Could the long cross country while the applicant is performing the duties of pilot in command in a multiengine airplane with an authorized instructor aboard the aircraft be accomplished under the hood?

ANSWER 2: Ref. §61.129(b)(4)(i); **Yes**, the ". . . One cross-country flight of not less than 300 nautical miles . . ." as stated in §61.129(b)(4)(i) can be performed under visual flight rules or under instrument flight rules, because the rule is silent on whether the flight is conducted under VFR or IFR. And again the answer is yes, this ". . . One cross-country flight of not less than 300 nautical miles . . ." [e.g., §61.129(b)(4)(i) can be accomplished with a view limiting device, hood, etc. However, in your question you stated this flight's purpose is for the requirements of §61.129(b)(4)(i), so just like in answer 1 above, the instructors should confine their activities to giving training on performing the duties of pilot in command and putting more emphasis on acting like an SIC so the applicant gets the benefit and experience of performing the duties of a pilot in command in a crew concept setting. If the flight's purpose is for meeting the requirements of §61.129(b)(4)(i), I would NOT expect to see the instructor giving training on basic instruments, navigation, etc. etc. As I previously stated, the requirements of §61.129(b)(4)(i) are for the purpose of ". . . performing the duties of pilot in command . . ."

QUESTION 3: Could accomplishment of the cross country required by §61.129(b)(4)(i) also meet the requirements of §61.65(d)(2)(iii) if performed under IFR with the applicant wearing a hood or view limiting device? I believe in the past, both the instrument and commercial pilot cross country could be met with the same flight, rather than two different flights, providing all the requirements that needed to be accomplished were met.

ANSWER 3: §61.129(b)(4)(i) and §61.65(d)(2)(iii); Again, my answer is a **qualified yes**. For the answer to be yes, the applicant must be **undergoing training** for an Instrument Rating **concurrently** with a Commercial Pilot-AMEL rating. And the aeronautical experience

performed during this training session must be the kind of aeronautical experience that is addressed in §61.129(b)(4) [i.e., ". . . performing the duties of pilot in command . . . on the areas of operation listed in § 61.127(b)(2) . . ."]. And the instructor shall confine their activities to only giving training on performing the duties of pilot in command and putting more emphasis on acting like an SIC so the applicant gets the benefit and experience of performing the duties of a pilot in command in a crew concept setting. Since the flight's purpose is for meeting the requirements of §61.129(b)(4)(i), the ***instructor shall not be giving training on basic instruments, navigation, etc. etc.*** The aeronautical experience must be confined to ". . . performing the duties of pilot in command . . . on the areas of operation listed in § 61.127(b)(2) . . ."

However, if the instructor is giving training on basic instruments, navigation, etc. etc., then the answer would be **no**.

As I previously stated, the requirements of §61.129(b)(4)(i) are for the purpose of ". . . performing the duties of pilot in command . . ." Keep in mind, if this training was for any of the other categories and classes of aircraft ratings, the aeronautical experience is required to be performed solo.
{q&a-364}

QUESTION 1: Can a Private Pilot working on his commercial pilot certificate apply 50 hours of time logged from an appropriately rated CFI in an approved PCATD (part 61) towards the 50 hours of simulator or FTD time allowed by 61.129(i)(1)(i)?

ANSWER 1: Ref. §61.129(i)(1)(i) and Advisory Circular No. 61-126; No. No portion of training time from an appropriately rated CFI in an approved PCATD is creditable toward the instrument training required for a commercial pilot certificate.

Advisory Circular (AC) No. 61-126, Qualification and Approval of Personal Computer-based Aviation Training Devices, directs the approved in use of PCATDs. In paragraph 1 of the Advisory Circular it states that PCATDs are distinct from Flight Training Devices (FTD) qualified under AC 120-45 and Flight Simulators qualified under AC 120-40. No portion of training with a PCATD may be credited toward the commercial certificate provision allowing 50 hours of "simulator or FTD time" under 14 CFR §61.129 (i)(1)(i), because a PCATD is neither a "Flight Simulator" nor a "Flight Training Device."

QUESTION 2: It appears that 10 hours of PCATD time may be used for the instrument rating. Can at least that amount of PCATD time be used to meet the commercial instrument requirement?

ANSWER 2: Ref. Advisory Circular No. 61-126; Again, no portion of PCATD time can be used for the commercial certificate requirements because a PCATD is neither a "Flight Simulator" nor a "Flight Training Device."

Yes it is true, 10 hours of PCATD time may be used for the instrument rating. AC 61-126, paragraph 5 specifies approved use and says that the PCATDs may be used in lieu of, and for not more than, 10 hours of time that otherwise would have to be accomplished an aircraft or flight

training device to meet the requirement for an instrument rating under part 61 or part 141. The 10 hours of instrument flight instruction permitted to be used toward an instrument rating must consist of the procedural maneuvers listed in the referenced AC and given as part of an Integrated Ground And Flight Instrument Training Curriculum.
{q&a-360}

QUESTION 1: An applicant holds a commercial-pilot certificate, with airplane single-engine-land, instrument-airplane ratings. He wishes to add an airplane multiengine (AMEL) rating with the limitation to private pilot privileges. In addition he wishes to elect not to be tested on multiengine instrument-reference tasks and accept a "VFR ONLY" limitation on the AMEL rating that is also limited to private pilot privileges. He will bring a fully equipped multiengine airplane that complies with FAR 61.45(b)(i)(ii). Can this be done?

ANSWER 1: Ref. Private Pilot-Airplane PTS, page 2-i and §61.45(b)(1)(i); Yes, the pilot may elect to accept both the limitations to AMEL at private pilot privileges and VFR only.

Section 61.45(b)(1)(i) only requires ". . for each area of operation required for the practical test . . ." and the Private Pilot-Airplane PTS, page 2-i states in the note for Area of Operation V ". . . otherwise a VFR ONLY restriction shall be specified on the issued certificate." This is the reason a Private Pilot Certificate with the AMEL rating can be issued with the VFR ONLY restriction and, for the pilot in this question, if the AMEL rating is tested to private PTS standards and limited to private pilot privileges, it may also be issued with the VFR ONLY limitation.

QUESTION 2: If there is a regulatory or policy basis for allowing the private pilot applicant to elect to not demonstrate instrument-reference proficiency on the multiengine-land-rating practical test, why is this reason not applied to allow the commercial-pilot, holding single-engine land and instrument airplane ratings to accept a "VFR ONLY" limitation on his commercial when acquiring a multiengine-land rating?

ANSWER 2: Reference the Commercial Pilot-Airplane PTS, page 2-v and §61.45(b)(1)(i) and §61.43(d); Notice that the Commercial Pilot-Airplane PTS on page 2-v in the "RATING TASK TABLE" of Area of Operation IX doesn't say what it says in the Private Pilot PTS. The Commercial Pilot-Airplane PTS on page 2-v in the "RATING TASK TABLE" of Area of Operation IX, says "ALL." Therefore, an instrument rated applicant for the multiengine airplane rating at the commercial pilot level MUST demonstrate instrument competency in the multiengine airplane unless the aircraft is not properly instrument equipped [i.e., §61.45(b)(2)]. But it can't be because the applicant doesn't want to demonstrate instrument competency. At the commercial pilot level, if the aircraft is instrument equipped, the applicant MUST demonstrate instrument competency if he holds an Instrument-Airplane rating.

QUESTION 3: Section 61.133(b)(1) implies that commercial pilot certificates will be issued to applicants who do not hold instrument-rating privileges in the same category and class of aircraft. Does this mean that an applicant who holds only single-engine airplane, instrument-airplane privileges could be issued a multiengine-land rating, limited to "VFR only," that contains the following limitation? "The carriage of passengers for hire in multiengine airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited."

ANSWER 3: Ref. §61.133(b)(1); Instrument ratings are issued for airplanes at the category rating level only. Section 61.133(b)(1) does not provide for a distinction between single and multi-engine class instrument ratings; no such distinction exists. If the applicant holds an "instrument airplane" rating, the limitation "The carriage of passengers for hire in multiengine airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited" would not be appropriate or allowed. The only time the limitation is needed is when ". . . A person who applies for a commercial pilot certificate with an airplane category or powered-lift category rating and does not hold an instrument rating in the same category and class . . ." [i.e. §61.133(b)(1)].

Keep in mind, the reason for not demonstrating instrument competency by an instrument rated pilot can only be because the multiengine airplane was not instrument equipped [i.e., §61.45(b)(2)]. In the case of the person in your question who does not hold instrument privileges for the multiengine airplane, his AMEL rating would receive the "VFR ONLY" limitation.
{q&a-343}

QUESTION: Situation is an individual holds a restricted US private pilot certificate ASEL based on a French private pilot certificate. In order to fly at night in France an individual is required to hold an instrument rating. This individual does not have an instrument rating and therefore does not have any night flying experience.

The individual is enrolled in a commercial pilot certification ASEL course at a US 141/61 Flight School and applied for a student pilot certificate in order to complete the night solo requirements for a commercial pilot ASEL under Part 61.

Is this the correct mechanism for completing this requirement or would the provisions of §61.31(d)(3) apply?

ANSWER: Ref. §61.129(a)(3)(iv) and (4)(ii) and §61.89(m); Although there is no regulatory basis for how to handle this kind of situation, but this person is not a student pilot. He is a full-fledged private pilot in spite of the fact that the certificate was issued on the basis of §61.75 as a Restricted Private Pilot certificate. It is not appropriate to issue him a student pilot certificate. However, section §61.89(m) requirements should be used as guidance. You would provide the authorization to perform the night solo flying for the commercial pilot certificate requirements by having the instructor put the night flying authorization endorsements in the person's logbook with specific limitations to solo flight.
{q&a-324}

QUESTION: §61.129(a)(1) calls for 100 hours in powered aircraft for commercial pilot applicants. A foreign applicant taking training for a U.S. commercial certificate in Wichita, KS has significant flight time in a self-launching motor glider.

Is a self-launching motor glider a powered aircraft for meeting the requirements of §61.129(a)(1) [i.e., ". . . 250 hours of flight time as a pilot that consists of at least:

(1) 100 hours in **powered aircraft**, of which 50 hours must be in airplanes.

ANSWER: Ref. §61.129(a)(1); The intent of the term "powered aircraft" in §61.129(a)(1) was never intended to include the powered glider. A powered glider is not a powered aircraft, as it relates to §61.129(a)(1). A powered aircraft is a category of aircraft in the Airplane category, Rotorcraft category, or Powered-lift category.

The aeronautical experience in a glider was never intended to be allowed to be credited for meeting the requirements of §61.129(a)(1) because the aeronautical experience certification requirements in the glider do not align closely enough to the "real" intended powered aircraft requirements. In developing the provisions of §61.129(a)(1), the FAA only considered the ". . . 100 hours in **powered aircraft** . . ." to be aeronautical experience earned in the Airplane category, Rotorcraft category, or Powered-lift categories. We never considered the glider or the lighter-than-air categories (i.e., airships and balloons) as powered aircraft.
{q&a-308}

CORRECTION: In the previous version of Q&A-189 the statement was made that during the §61.129(b)(4) required 10 hours solo flight or with an authorized flight instructor, the instructor should perform "… NO CREWMEMBER FUNCTIONS other than clearance and avoidance of other aircraft." While this concept is philosophically agreeable to many people it is not supported by the regulation. The actions or functions of the instructor are not controlled by the regulation in this situation, therefore the statement has been removed.

QUESTION 1: What is the absolute minimum of aeronautical experience required to be a multiengine airplane by:

a) §61.129(b) for the holder of a private pilot certificate who is applying for initial issuance of a commercial pilot certificate with an airplane multiengine land class rating?

b) §61.63(b) and §61.129(b) for the holder of a commercial pilot certificate with rotorcraft category and helicopter class rating who is applying for an addition of an airplane category with a multiengine land class?

ANSWER 1: The answer to both questions is 20 hours. The same answer applies to both questions**.** The minimum time logged in a multiengine airplane MAY BE as low as 10 hours of dual time in a multiengine airplane and 10 hours of either solo flight in a multiengine airplane or performing the duties of PIC in a multiengine airplane with an authorized instructor on board.

It applies to both questions since §61.63(b)(1) states as follows:

(b) <u>Additional category rating</u>. An applicant who holds a pilot certificate and applies to add a category rating to that pilot certificate:

(1) Must have received the required training and possess the aeronautical experience prescribed by this part that applies to the pilot certificate for the aircraft category and, if applicable, class rating sought;

Which means §61.129 apply to both questions. And to avoid any misunderstanding, remember §61.129(b)(1) applies to both requiring that a Commercial Pilot-Airplane applicant is must have

". . . 50 hours must be in airplanes . . ." of aeronautical experience. Additionally, §61.129(b)(2)(i) requires ". . . at least 50 hours in airplanes . . ." of PIC aeronautical experience. And §61.129(b)(2)(ii) requires ". . . at least 10 hours must be in airplanes . . ." of cross country aeronautical experience as a PIC.

Also, lets acknowledge that where the regulation states "...hours of training in the areas of operation ..." and does not further qualify the requirement to be in an airplane, helicopter, etc. This training can include training in flight simulator and/or flight training device that represents the appropriate category and class of aircraft. Even per Advisory Circular No. 61-126, a personal computer-based aviation training device (PCATD) is permitted to be utilized. However, most likely the difference is going to be performed in a simulator or flight training device or in the actual multiengine land airplane.

§61.129(b)(3) requires 20 hours training on the areas of operation listed in §61.127(b)(2) of this part that includes at least— (as noted, some of this could possibly be in a flight simulator and/or flight training device)

(i) 10 hours instrument training – of which 5 hours must be in a multiengine airplane.

Here is 5 hours multiengine airplane flight time. This is the first place where the rule specifically requires training to be in a multiengine airplane.

§61.129(b)(3)(ii) requires 10 hours training in a MULTIENGINE AIRPLANE having retractable gear (except sea planes), flaps and controllable pitch propeller or is turbine-powered. Here is the second place where the rule specifically requires training to be in a multiengine airplane.

Yes, this training could include the 5 hours of instrument training required by §61.129(b)(3)(i). If such combination is accomplished we only have to add 5 hours to our previous amount.

So now we are at 10 hours multiengine airplane flight time (that includes the 5 hours multiengine airplane instrument training).

§61.129(b)(3)(iii) requires one cross-country flight of at least 2 hours in a multiengine airplane in day VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure. Here is the 3rd place where the rule specifically requires training to be in a multiengine airplane.

§61.129(b)(3)(iv) requires one cross-country flight of at least 2 hours in a multiengine airplane in night VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure. Here is the 4th place where the rule specifically requires training to be in a multiengine airplane.

It is conceivable that these VFR requirements could be done in combination with the above paragraph (ii) requirements for training in a multiengine airplane having retractable gear (except sea planes), flaps and controllable pitch propeller or is turbine-powered. But, only as part of these hours that are <u>not</u> devoted to the 5 hour instrument training requirement. The intent of the phrases ". . . 2 hours in a multiengine airplane in day VFR conditions. . ." and ". . . 2 hours in a

multiengine airplane in night VFR conditions. . ." of these subparagraphs (iv) and (v) was to require this cross country to be performed using a combination of pilotage, dead reckoning, and radio navigation under visual flight rules and under day and night conditions respectively. It was never intended to allow this training to be combined with the instrument training aeronautical experience required by paragraph (i) above.

So the running tabulation of dual time in a multiengine airplane remains at 10 hours, but read on.

§61.129(b)(3)(v) Requires 3 hours in a multiengine airplane in preparation for the practical test within the 60-day period preceding the date of the test. Here is the 5th place where the rule specifically requires training to be in a multiengine airplane. And, of course, this requirement could be done in combination with the above subparagraphs (i), (ii), (iii), and (iv) if 3 hours of any of the required dual training was within the 60-day period preceding the date of the test.

So the running tabulation of absolute minimum required training in a multiengine airplane with an authorized instructor is a total of 10 hours. This must assume control of almost every minute of training. No air traffic delays or avoidance maneuvers, weather delays, misunderstood instructions, re-teaching or extraneous conversations are allowed. Also notice, another 10 hours of training in operations listed in §61.127(b)(2) is required to fulfill the requirement, though not necessarily accomplished in a multiengine airplane.

§61.129(b)(4) requires 10 hours solo in multiengine airplane or 10 hours performing the duties of PIC with an instructor. This is clearly not a part of the requirements of §61.129(b)(2). The ". . . 10 hours of solo . . . performing the duties of pilot in command in a multiengine airplane . . ." is the sixth place where it specifically requires time in a multiengine airplane. Could this requirement be done in combination with the above paragraph (b)(3) requirements? The answer is no. This is a totally separate requirement from the above paragraph (b)(3) requirements.

So the grand total is 20 hours for the final tabulation of absolute minimum flight time in a multiengine airplane. The rule requires 10 hours of dual training time and 10 hours of solo or performing the duties as a PIC with an instructor on board.

> **NOTE:** This discussion has nothing to do with the addition of an airplane multiengine class rating to an existing commercial pilot certificate with an airplane single engine (land) or (sea) rating. Look to §61.63(c)(4) for such a scenario which states ". . . Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought . . ." For only an additional class rating, per §61.63(c)(4), the instructor is only required to train the applicant for the practical test and no specified amount of hours of training is required.

{q&a-189}

QUESTION 2: Ref. §61.129(c); The Baltimore County Police Department requires every person who flies their OH-58's to hold a Commercial Pilot Certificate with a Rotorcraft-Helicopter and Instrument-Helicopter ratings. In accordance with §61.129(c), the rule requires 150 hours of flight time along with 20 hours of dual and 10 hours of solo, etc. The Baltimore PD wants to use their own OH-58s to train their OWN pilots to obtain a Commercial Pilot Certificate

with an Rotorcraft-Helicopter and Instrument-Helicopter ratings so as to meet the aeronautical experience requirements of §61.129(c).

ANSWER 2: Per Public Law 103-411and FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B.; Again, the answer is no. The time cannot be logged for the purpose of meeting the aeronautical experience requirements of Part 61. Again, this flight time cannot be logged nor counted for meeting the aeronautical experience requirements of Part 61 in these non certificated aircraft/vehicles.

Per Public Law 103-411, this would NOT be considered a "public aircraft operation." Therefore, the Baltimore Police Department CANNOT use their OH-58's to train their OWN pilots for achieving the aeronautical experience and training for a Commercial Pilot Certificate and rating under Part 61. And furthermore, FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B, states, in pertinent part, ". . . may not be used to meet requirements of FAR Part 61 for a certificate or rating . . ."
{q&a-254}

QUESTION 3b: When an instructor provides the flight training required by §61.107(b)(1)(ix) and §61.109(a)(3) for the Private Pilot Certificate and the Airplane Single Engine Land rating can that be logged and signed off as "instrument training" provided it met the definition of §61.1(b)(10)? Would that training count towards the instrument training required by §61.65 and/or §61.129? Would such training by a CFI-IA meet the intent of §61.107(b)(1)(ix) and §61.109(a)(3)?

ANSWER 3b: Ref. §61.129(a)(3); In answer to your follow-up questions, where you asked, in effect, can the training given to satisfy the training §61.107(b)(1)(ix) and §61.109(a)(3) also be "double logged" to also satisfy training required by §61.65(d)(2)(i) and §61.129(a)(3)(i)? The answer is no, the training cannot be "double logged" or "counted twice" or however you want to say it. Read the words and the format of §61.129(a)(3) and (i) which reads as follows:

* * * * *
(3) 20 hours of training on the areas of operation <u>listed in §61.127(b)(1)</u> of this part that includes at least--
(i) 10 hours of instrument training of which at least 5 hours must be in a single-engine airplane;
* * * * *

It says ". . . training on the areas of operation <u>listed in §61.127(b)(1)</u> of this part . . ." It does not say training on the areas of operation listed in §61.127(b)(1) or the training on the areas of operation listed in §61.107(b)(1). So, the training accomplished for meeting the training requirements of §61.107(b)(1)(ix) and §61.109(a)(3) CANNOT be "double logged" to satisfy the training required by §61.65(d)(2)(i) and /or §61.129(a)(3)(i)
{q&a-249}

QUESTION: Reference §61.45(a)(1)(i). In an previously answered Q&A-89, you stated:

"Yes, a complex multiengine airplane can be used on the practical test to meet the complex airplane requirements of the Commercial Pilot Certificate for an airplane single engine land rating. However, if the applicant does not hold an airplane multiengine land rating, somebody else has to be the PIC for the practical test." Your answer was in response to a question where it was asked whether it was permissible under Part 61 to utilize a Piper Senaca II on the practical test for the complex airplane requirements for the Commercial Pilot Certificate with an airplane single engine land rating, even when the applicant is not rated in a multiengine airplane.

The rationale you stated in the answer was:

"This is the rationale behind this answer. The aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] just says ". . . **in an airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . ." Now for the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)] it says ". . . **in a multiengine airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . ." We made a distinction between the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] vs. the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)]. In the aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] the rule is silent on whether the airplane has to be a single engine or multiengine. But in §61.129(b)(3)(ii), for the commercial pilot certificate with a multiengine airplane rating, the rule specifically requires the aeronautical experience be in a multiengine airplane."

However, in checking the tasks required by the Commercial Pilot-Airplane Multiengine Land Practical Test Standards, FAA-S-8081-12A, there is no requirement to demonstrate soft field takeoffs and landings in multiengine airplanes. Furthermore, the airplane flight manuals for the Piper Senaca II and most general aviation multiengine airplanes do not even address soft field takeoffs and landings. But the tasks required by the Commercial Pilot-Airplane Single Engine Land Practical Test Standards, FAA-S-8081-12A, require demonstration of soft field takeoffs and landings. So for the Commercial Pilot-Airplane Single Engine Land practical test when an applicant chooses to utilize a complex multiengine airplane for a Commercial Pilot-Airplane Single Engine Land practical test, are soft field takeoffs and landings required to be trained and/or be tested? How are we to evaluate the task of the soft field takeoff and landing in a complex multiengine airplane?

ANSWER: Reference §61.45(a)(1)(i); The answer is yes, soft field takeoffs and landings are required to be trained and tested, even for those applicants who choose to utilize a complex multiengine airplane for a Commercial Pilot-Airplane Single Engine Land practical test. In requiring the training and testing of the soft field takeoff and landing in a complex multiengine airplane, you are evaluating the applicant's ability to perform the soft field takeoff and landing task in a complex airplane, in accordance with the "Objective" described on page 1-12, paragraph C of the Commercial Pilot-Airplane Single Engine Land Practical Test Standards, FAA-S-8081-12A. Just because the airplane flight manual doesn't describe how to perform the soft field takeoff and landing task doesn't prohibit the training and testing of the maneuver. The rationale here, even multiengine airplanes takeoff and land on earth (dirt) runways and runways that are

snow covered. So again, the answer is YES, soft field takeoffs and landings are required to be trained and tested, even for those applicants who choose to utilize a complex multiengine airplane for a Commercial Pilot-Airplane Single Engine Land practical test. The applicant's ability and technique is being evaluated to perform the soft field takeoff and landing task, as it relates to a complex airplane.

However, keep in mind, as I previously mentioned in Q&A 89, IF THE APPLICANT DOES NOT HOLD AN AIRPLANE MULTIENGINE LAND RATING, SOMEBODY ELSE HAS TO BE THE PIC FOR THE PRACTICAL TEST.

And furthermore in my Q&A-89, "THERE IS A DIFFERENCE FOR PART 141 SCHOOLS. THE RULES IN APPENDIX D OF PART 141 [I.E., PARAGRAPH (B)(1)(II)] SPECIFICALLY REQUIRE THE TRAINING TO BE IN A COMPLEX SINGLE ENGINE AIRPLANE FOR A COURSE OF TRAINING LEADING TO A COMMERCIAL PILOT CERTIFICATE WITH AN AIRPLANE SINGLE ENGINE RATING. YES, THE RULE WAS WRITTEN THAT WAY ON PURPOSE! WE SHOULD EXPECT BETTER STANDARDS FROM OUR PART 141 SCHOOLS WITHOUT QUESTION!"
{q&a-235}

QUESTION 1: Ref. §61.129(c)(4); Does the aeronautical experience requirement for ". . . 10 hours of solo flight in a helicopter on the areas of operation listed in §61.127(b)(3) of this part . . ." have to be accomplished after the applicant first holds a private pilot certificate? Or can the aeronautical experience earned as a student pilot be credited for meeting this requirement?

ANSWER 1: That aeronautical experience [i.e., ". . . 10 hours of solo flight in a helicopter on the areas of operation listed in §61.127(b)(3) of this part . . ."] has to be earned while the applicant is seeking commercial pilot certification and the applicant must first hold at least a Private Pilot Certificate. As the rule [i.e., §61.129(c)(4)] states, it has to be ". . . on the areas of operation listed in §61.127(b)(3) of this
part . . ." Otherwise, AT THE COMMERCIAL PILOT LEVEL.

The answer is NO, this aeronautical experience cannot be earned during the student pilot level.

QUESTION 2: The situation is I have an applicant who is seeking a Commercial Pilot Certificate-Helicopter rating via §61.123. The applicant accomplished his Private Pilot Certificate-Helicopter under a Part 141 approved training program. Therefore, what is the minimum solo time required to be shown on the FAA Form 8710-1 for accomplishing a Commercial Pilot Certificate-Helicopter rating when the applicant initially completed the Private Pilot Certificate-Helicopter rating under a Part 141 approved training program?

ANSWER 2: Ref. §61.129(c)(4) and Part 141, Appendix B, paragraph 5.(c); The answer is 15 hours of solo time.

As per Part 141, Appendix B, paragraph 5.(c), requires a minimum of ". . . 5 hours of solo flight training in a helicopter on the approved areas of operation in paragraph (d)(3) of section No. 4 of this appendix . . ." and as per §61.129(c)(4), requires a minimum of ". . . 10 hours of solo flight in a helicopter on the areas of operation listed in §61.127(b)(3) of this part . . ."

However, this minimum solo time requirement may be less because keep in mind the provisions of §141.55(d) and (e), which state, in pertinent part, ". . . approval for a period of not more than 24 calendar months for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part . . ." So if a Part 141 school has been approved for a reduced course time approval under §141.55(d) and (e), the total solo hours may be less. In these cases, it would be prudent (and HIGHLY RECOMMENDED) of the examiner to attach a note on the application to highlight this difference to the Airman Certification Branch, AFS-763, in Oklahoma City who process the application and issue the pilot certificates.

QUESTION 3: The situation is I have an applicant who is seeking a Commercial Pilot Certificate-Helicopter rating via §61.123. The applicant accomplished his Private Pilot Certificate-Helicopter under a non-approved training program. Therefore, what is the minimum solo time required to be shown on the FAA Form 8710-1 for accomplishing a Commercial Pilot Certificate-Helicopter rating?

ANSWER 3: Ref. §61.129(c)(4) and §61.109(c)(4); The answer is 20 hours of solo time.

As per §61.109(c)(4) requires a minimum of ". . . 10 hours of solo flight time in a helicopter, consisting of at least . . ." and as per §61.129(c)(4), requires a minimum of ". . . 10 hours of solo flight in a helicopter on the areas of operation listed in §61.127(b)(3) of this part . . ." So the answer is a total of 20 hours of solo time.
{q&a-234}

QUESTION: Apart from §61.129(a)(3)(v), is there anything in §61.129 which implies that I cannot count any "aeronautical experience" obtained during my pre-Private training? I believe the old regulations stated this, but it has been removed from the new regulations.

Simple question: If I flew a student solo XC (pre-Private) from Seattle to LAX and back in a C172, could I count that towards my Commercial requirements?

ANSWER: Ref. §61.129(a)(2)(ii); **YES**. The pre-Private solo cross-country does "count" toward the §61.129(a)(2)(ii) [i.e., the requirement for 50 hours of PIC cross country time].

HOWEVER, the answer is **NO**, if your question is asking: "Can this be used to meet the §61.129(a)(4) "long cross-country solo flight" commercial preparation?"

Section 61.129(a)(4) specifies that the reason for such flight (commercial preparation) must relate to §61.127(b)(1). This was not the training (certificate preparation) requirement being met for the "pre-Private solo cross-country."
{q&a-207}

QUESTION 1: **T**he issued is the required flight time for applicants adding a commercial glider category to their certificate. Specifically, how is it possible for a "transition" pilot, with the required 200 hour aeronautical experience in heavier-than-air aircraft, to log 20 flights as PIC when only 5 solo flights in a glider are required as per §61.129(f)(2)(ii)? FAR 61.51(e)(1)(i)

specifically requires that a person be "The sole manipulator of the controls of an aircraft for which the pilot is rated" in order to log PIC.

ANSWER 1: Ref. §61.129(f)(2) which states: (f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least--

> * * * * *
> (2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--
> * * * * *

I don't see how the aeronautical experience of §61.129(f)(2) [e.g., ". . . . 20 flights in a glider as pilot in command . . ."] is any different for a transition commercial glider pilot than the aeronautical experience of §61.129(a)(2) [e.g., ". . .100 hours of pilot-in-command flight time, which includes at least--(i) 50 hours in airplanes. . ." is for the transition commercial airplane single engine pilot? The ". . . 20 flights in a glider as pilot in command. . ." is aeronautical experience that must be achieved before an applicant is eligible for the commercial pilot-glider rating. And yes per §61.51(e)(1)(i) or (ii), that pilot in command aeronautical experience must be achieved either as ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated. . ." or ". . . Is the sole occupant of the aircraft. . ."

If the person doesn't want to qualify under §61.129(f)(2), then the option of §61.129(f)(1) is always available.

QUESTION 2: How can 20 flights in gliders as pilot in command include: 3 hours of flight training/10 training flights, and 3 training flights in preparation for the practical test?

ANSWER 2: Ref. §61.129(f)(2): (2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--

> (i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in §61.127(b)(6) of this part including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

It is not included in the ". . . 20 flights in a glider as pilot in command . . ." The ". . . 3 hours of flight training in a glider or 10 training flights in a glider . . ." is IN ADDITION to the ". . . 20 flights in a glider as pilot in command . . ."

QUESTION 3: Previously, 20 SOLO flights with a 360 degree turn were required to meet the aeronautical experience for a "transition" pilot, in addition to other requirements.

ANSWER 3: The old provisions in the old §61.133(b) stated ". . . 20 glider flights as pilot in command during which 360 degree turns were made." In the rewrite of Part 61, we deleted that phrase and the aeronautical experience for all the commercial pilot certificates are now contained in the new §61.129 and the training required is contained in the new §61.127.

Now I have a question for you. I don't understand how you can question the new §61.129(f)(2) [e.g., ". . . . 20 flights in a glider as pilot in command . . ."] for the transition commercial glider pilot vs. the aeronautical experience contained in old §61.133(b) [e.g., ". . . 20 glider flights as pilot in command during which 360 degree turns were made . . ." which were the old requirements for transition commercial glider pilots. What is the difference between your concerns about the new §61.129(f)(2) vs. the old §61.133(b)? I don't see a difference here, except that under the new §61.129(f) we're now requiring training under §61.127(b)(6) at the commercial pilot level.

QUESTION 4: Was it intended that the rule be written to require 20 SOLO (sole occupant) flights which includes at least 5 SOLO flights in a glider on the areas of operations listed in §61.127(b)(6)? This would be in addition to the flight training and preparation for the practical test as currently required under §61.129(f)(2)(i)and(iii).

ANSWER 4: Ref. §61.129(f)(2): (f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least--

* * * * *

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--

(i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in §61.127(b)(6) of this part including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

(ii) 5 solo flights in a glider on the areas of operation listed in §61.127(b)(6) of this part.

No, we did not intend §61.129(f)(2) to say 20 solo flights. We wrote it just like we intended [e.g.., ". . . 20 flights in a glider as pilot in command. . ."]. Just like in the other paragraphs of §61.129 for the other categories and classes of aircraft, there are paragraphs that establish certain numbers of hours of aeronautical experience for the commercial pilot certificate and then there are other paragraphs that establish certain numbers of hours of dual and solo training in §61.127. Yes, we did intend that the training in §61.129(f)(2)(i) and (ii) to be in addition to the ". . . 20 flights in a glider as pilot in command. . ."

§61.109 is written slightly different, so I will withhold any questions for the Private "transition" since answers on the commercial pilot aeronautical experience requirements of §61.129 may answer questions on both subject areas.

For your reading entertainment, please review the following preamble discussion that was contained in the final rule correction document that was published in the Federal Register (78 FR 20282-20290; Admt. No. 61-104) on April 23, 1998:

Section 61.109 Aeronautical experience. Section 61.109(f) has been revised to clarify when the aeronautical experience requirements for obtaining a private pilot certificate with a glider category rating must be accomplished with an authorized instructor and when those requirements must be accomplished in solo flight. To obtain a private pilot certificate with a glider category rating, §61.109(f) requires an applicant to accomplish three training flights in a glider. Unlike the

term "flight training," which is defined in §61.1(b)(6) as training, other than ground training, received from an authorized instructor in flight in an aircraft, the term "training flight" is not defined. Therefore, the FAA has added the phrase "with an authorized instructor" to clarify when training flights are to be accomplished with an authorized instructor.

In addition, the FAA has revised §61.109(f)(1) to clarify that the 20 flights and 2 hours of solo flight time in a glider that are required by paragraphs (f)(1)(i) and (f)(1)(ii) may be used to meet the 10 hours of flight time specified in the introductory language of paragraph (f)(1). In addition, the three training flights with an authorized instructor required in paragraph (f)(1)(i) may be used to meet the 20 flights also required in that paragraph.

The introductory paragraph of §61.109(f)(2) also has been revised to clarify that the 10 solo flights and 3 training flights with an authorized instructor in a glider required by paragraphs (f)(2)(i) and (f)(2)(ii) may be used to meet the 3 hours of flight time specified in the introductory language of paragraph (f)(2).

Finally, for the reasons previously discussed in the preamble to §61.109, the FAA has added the phrase "with an authorized instructor" to §61.129(f) to clarify that training flights in a glider are to be accomplished with an authorized instructor. In addition, the introductory text of §61.129(f)(1) has been revised to clarify that the 100 flights required by paragraph (f)(1) may be used to meet 25 hours of flight time as a pilot in a glider also specified in that paragraph. Section 61.129(h) also has been revised to clarify that an applicant for a commercial pilot certificate with a balloon class rating must accomplish with an authorized instructor (a commercial pilot with a balloon class rating) the "training flights" and flight performing the duties of PIC required by that paragraph.
{q&a-184}

QUESTION: I have a question regarding type of aircraft for a commercial flight test. The question is: if a pilot holds a commercial multi-engine land rating with instrument privileges then is a complex aircraft required for the commercial single engine land flight test. I have been told that it is not if the tests are taken on the same day and even if they are not. However the PTS and the FAR's are not clear from what we have read.

ANSWER: §61.129(a)(3)(ii); I must first ask you, does the applicant have a complex airplane endorsement [e.g., §61.31(e)]? If so, then the airplane does not have to be complex. That is my answer if the applicant holds a commercial pilot certificate with an airplane multiengine land rating and is only seeking an airplane single engine land rating. The reason I questioned whether the applicant has a complex airplane endorsement is because there are some non-complex multiengine airplanes. For example, there is the Partenavia (Italian manufactured) that is a non-complex multiengine airplane with a fixed gear, fixed propeller, flaps, and two 180hp engines. Another example is the Aeronica Champion Lancer which I only know to be a non-complex multiengine airplane with a fixed gear. And another example of a non-complex multiengine airplane is the Brittian Norman Islander (Australian manufactured). It is a non complex multiengine airplane with a fixed gear, fixed propeller, flaps, and two 180hp engines. Another example of a non-complex multiengine airplane is the Brittian Norman Tri-lander (Australian manufactured). It is a non-complex multiengine airplane with a fixed gear, fixed propeller, flaps, and three IO 540 engines. And none of the turbojet powered multiengine

airplanes would qualify as meeting the definition of a complex airplane. The definition of a complex airplane, as per §61.31(e), is "an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller; or, in the case of a seaplane, flaps and a controllable pitch propeller." Yes, I agree that §61.129(a)(3)(ii) and (b)(3)(ii) permits a turbine powered airplane to be substituted for a complex airplane for the commercial pilot aeronautical experience requirement and for use on the Commercial Pilot Certificate practical test but turbojet powered airplanes do not qualify as meeting the definition of a complex airplane. Notice, I said turbojet powered airplanes (i.e., Cessna Citation) do not qualify as meeting the definition of a complex airplane. I did not say turbine powered airplanes (i.e., Beech King Air) do not qualify as meeting the definition of a complex airplane.

However, if it's the other way around the applicant holds a commercial pilot certificate with an airplane single engine land rating and is seeking an airplane multiengine land rating then the applicant must bring a complex multiengine airplane to the practical test. Ref. §61.129(b)(3)(ii).
{Q&A-183}

QUESTION 1: Given an applicant for Lighter-Than-Air, Balloon (LTA-B) who is rated, as a Commercial Pilot, in Airplanes, Helicopters, or Gliders. §61.129(h)(4) requires -

> "10 hours of flight training that includes at least 10 training flights in balloons on the areas of operation listed in §61.127(b)(8) of this part,...."

Does an applicant for a Commercial LTA-B have to be tested on the applicable portions of the Private LTA-B during the Practical Test?

ANSWER 1: No; Per §61.123(h), the person only needs to hold a private pilot certificate. The rule doesn't require the applicant to have it in a balloon rating. It just has to hold a private pilot certificate. But in your example, you indicate your applicant is already a commercial pilot. So all the applicant is doing is adding an additional aircraft category rating to his commercial pilot certificate. In that case, §61.63(b) applies. Additionally, per §61.127(b)(8), the training given will be at the commercial pilot level only. Therefore, the applicant will be tested at the commercial pilot level only.
{q&a-179}

QUESTION 1: Can the multiengine time acquired with a CFI and allowed as PIC under §61.129(b)(4) also be used to meet the instructor rating requirements of 61.183(j).

ANSWER 1: No, the applicant cannot log as Pilot-In-Command (PIC) the time acquired while performing the duties of pilot-in-command ... with an authorized instructor (unless the person holds a multiengine class rating on his/her private pilot certificate); §61.51(e)(1)(i) and then, of course, this cannot be used for §61.183(j) requirements. For further explanation here is an excerpt of the preamble of the final rule correction document that was issued in the Federal Register (78 FR 20284; Amdt. No. 61-104) on April 23, 1998:

> In addition, the FAA has revised §61.129(b)(4) to permit an applicant for a commercial pilot certificate with a multiengine rating to credit the 10 hours of flight time performing the duties of PIC in a multiengine airplane required by that paragraph toward the 100 hours

of PIC flight time required under §61.129(b)(2). This revision is consistent with the provisions of §61.129(b) as proposed in Notice No. 95-11. As previously noted, proposed §61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. The solo flight time would have constituted PIC flight time; therefore, the applicant would have been able to credit that flight time toward the requirements of §61.129(b)(2). However, under §61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. **Consequently, that flight time does not constitute PIC flight time.** Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor.

QUESTION 2: Is there a limit to the number of hours that can be logged as PIC while performing the duties of a PIC with an instructor under §61.129(b)(4)? One of our examiners thinks there is a loop hole for a Private Pilot acquiring PIC cross-country time for an instrument rating, for example.

ANSWER 2: **T**here is NO loop hole. Such time cannot be logged as PIC time. Ref. §61.129(b)(4). See as in my answer #1 above, that portion that states, in pertinent part,

> ". . . However, under §61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. . ."

{q&a-180}

QUESTION: Could you please differentiate the role of the CFI in 61.129(b)(3) and (b)(4). In the former, it is obvious that training (dual instruction) in the areas of 127(b)(2) is the goal of this section. In the latter, however, 61.129(b)(4) is repetitive in content, except the word training is eliminated. Is the role of the CFI in (b)(4) an observer only, almost acting as an examiner, viewing the applicant as he performs the 300 mile cross country and five hours of night flying?

Does the applicant log the time for (b)(4) as PIC with no instruction received ? Is the CFI, by regulation, required to log the time as dual given in accordance with 61.189(a) ?

If an applicant is a Private Pilot AMEL with 500 hours of PIC in multiengine airplanes and has flown cross country over 300 miles and the required night time as detailed in (b)(4) but not with a CFI, does he still need to fly with an authorized CFI to meet (b)(4) when he seeks a Commercial AMEL?

ANSWER: Reference §61.129(b)(4); The expectation is that the applicant demonstrate ". . . performing the duties of pilot in command in a multiengine airplane . . ."

There is a correction to §61.129(b)(2) in amendment 61-104 effective 5/26/98 that specifically states that the applicant can use that 10 hours of time of ". . . performing the duties of pilot in

command in a multiengine airplane . . ." toward the pilot in command to meet the pilot in command aeronautical experience of §61.129(b)(2).

Additionally, another correction revises §61.129(b)(4) by adding the words "10 hours of solo flight time in a multiengine airplane or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane . . ."

See the quote of the preamble of the final rule correction document the was published in the Federal Register (78 FR 20284; April 23, 1998) concerning the revision to §61.129(b)(4) shown below and in q&a-163.

Now for your request ". . . Could you please differentiate the role of the CFI in §61.129(b)(3) and (4). . ."

For §61.129(b)(3) an instructor would perform the normal active instruction followed by evaluation of its effect.

But for §61.129(b)(4), the CFI shall act like an SIC and also observe and train the student on ". . . performing the duties of pilot in command in a multiengine airplane . . ."

Logging that time as PIC time is not authorized unless the applicant holds a private pilot certificate with a multiengine rating. **Reference:**

FROM THE PREAMBLE OF THE FINAL RULE 61-104: "Reference §61.129(b)(4) as adopted in the final rule 61-104, 5/26/98, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor."

And for your last question about the private pilot, the amendment negates that question. Accept either solo time or with an authorized instructor.
{q&a-127}

QUESTION: There seems to be some questions and varying interpretations among examiners, inspectors, and authorized instructors regarding aeronautical experience requirements for a commercial LTA-balloon certificate.

61.129(h) states an applicant must have 35 hours of flight time as a pilot which includes at least:

1. 20 hours in balloons;
2. 10 flights in balloons;
3. Two flights in balloons as PIC;
4. 10 hours of flight training that includes at least 10 flights in balloons on the areas of operation listed in 61.127(b)(8)...

The confusion appears to be on item #4. Some are interpreting this to mean that if a maneuver is the same at both private and commercial levels (e.g. Inflation) and signed off at the private level, then it doesn't have to be signed off again at the commercial level. Others say that these 10 flights are training flights on commercial maneuvers and that similar training at the private level doesn't count towards these 10 flights.

Exactly what is item #4 requiring?

ANSWER: Ref. §61.129(h)(4); The final rule correction document was published in the Federal Register today and §61.129(h)(4) now states:

(h) * * *

(4) 10 hours of flight training that includes at least 10 training flights with an authorized instructor in balloons on the areas of operation listed in Sec. 61.127(b)(8) of this part, which consists of at least--

(i) * * *

(A) 2 training flights of 2 hours each with an authorized instructor in a gas balloon on the areas of operation appropriate to a gas balloon within 60 days prior to application for the rating;

(B) 2 flights performing the duties of pilot in command in a gas balloon with an authorized instructor on the appropriate areas of operation; and

* * * * *

(ii) * * *

(A) 2 training flights of 1 hour each with an authorized instructor in a balloon with an airborne heater on the areas of operation appropriate to a balloon with an airborne heater within 60 days prior
to application for the rating;

* * * * *

It means "10 hours of flight training that includes at least 10 training flights. . . on the areas of operation listed in §61.127(b)(8) of this part -" It doesn't mean they can add their time forward from the private pilot certification level. All of it has to be ". . . on the areas of operation listed in §61.127(b)(8) of this part -"

{q&a-158}

QUESTION: There appears to be a conflict between FAR 61.129(b)(4) and guidance cited by personnel at the Airman Certification Branch at OKC. The FAR does not require any solo time, cross-country or otherwise, to meet the aeronautical experience requirements for Commercial Pilot with AMEL rating. However, I had an airman file returned stating that "some cross-country solo time must be shown".

I called Airman Certification and was informed that their guidance instructed them to require some solo x-c time, citing FAR 61.129(b)(4)(i) as the justifying reference. I pointed out that the referenced section requires flight with an authorized instructor, therefore such flight time cannot be logged as solo. It was suggested that I call you to resolve this situation.

ANSWER: Ref. §61.129(b)(4); In accordance with §61.129(b)(4), an applicant for a Commercial Pilot Certificate with an airplane multiengine land rating would not need to show solo cross country time in a multiengine airplane. If he performed solo cross country time, yes he

could show it, but §61.129(b)(4) doesn't require it. Section 61.129(b)(4) permits the applicant to meet the requirements by ". . . performing the duties of pilot in command in a multiengine airplane with an authorized instructor . . ."

Amendment 61-104 became effective on May 26, 1998. The new version of Section 61.129(b)(4) now states:

(b) For an airplane multiengine rating. Except as provided in paragraph (i) of this section, a person who applies for a commercial pilot certificate with an airplane category and multiengine class rating must log at least 250 hours of flight time as a pilot that consists of at least:

* * * * *

(4) 10 hours of solo flight time in a multiengine airplane or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor (either of which may be credited towards the flight time requirement in paragraph (b)(2) of this section), on the areas of operation listed in §61.127(b)(2) of this part that includes at least--

(i) One cross-country flight of not less than 300 nautical miles total distance with landings at a minimum of three points, one of which is a straight-line distance of at least 250 nautical miles from the original departure point. However, if this requirement is being met in Hawaii, the longest segment need only have a straight-line distance of at least 150 nautical miles; and

(ii) 5 hours in night VFR conditions with 10 takeoffs and 10 landings (with each landing involving a flight with a traffic pattern) at an airport with an operating control tower.

The preamble of the final rule correction document the was published in the Federal Register (78 FR 20284; April 23, 1998) concerning the revision to §61.129(b)(4) states as follows:

"Section 61.129 Aeronautical experience. In Notice No. 95-11, proposed §61.129(b)(4) would have required an applicant to accomplish solo flight time in a multiengine airplane. During the rulemaking process, the FAA determined that the accomplishment of solo flight time in a multiengine airplane may be impracticable because of liability and insurance concerns. Therefore, in the final rule, the FAA replaced the requirement that an applicant accomplish solo flight time in a multiengine airplane with the requirement that the flight time required under §61.129(b)(4) be acquired while performing the duties of PIC in a multiengine airplane with an authorized instructor. However, in revising this requirement, the FAA did not consider the applicant who holds a private pilot certificate with a multiengine rating and, therefore, may already have solo flight time in a multiengine aircraft or may be able to accomplish solo flight time without the cost of acquiring the required flight time with an authorized instructor. Therefore, the FAA has revised §61.129(b)(4) to require an applicant to accomplish 10 hours of solo flight in a multiengine airplane or 10 hours of flight time performing the duties of PIC in a multiengine airplane with an authorized instructor.

In addition, the FAA has revised §61.129(b)(4) to permit an applicant for a commercial pilot certificate with a multiengine rating to credit the 10 hours of flight time performing the duties of PIC in a multiengine airplane required by that paragraph toward the 100 hours of PIC flight time required under §61.129(b)(2). This revision is consistent with the provisions of §61.129(b) as proposed in Notice No. 95-11. As previously noted, proposed §61.129(b)(4) would have required

an applicant to accomplish solo flight time in a multiengine airplane. The solo flight time would have constituted PIC flight time; therefore, the applicant would have been able to credit that flight time toward the requirements of §61.129(b)(2). However, under §61.129(b)(4) as adopted in the final rule, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor.

The FAA notes that if an applicant meets the requirements of §61.129(b)(4) by logging 10 hours of solo flight time in a multiengine airplane (as permitted in this final rule), that time would constitute PIC flight time. Therefore, the applicant may count that flight time toward the requirements of §61.129(b)(2) and log it as PIC time under §61.51(e)".
{q&a-163}

QUESTION: Your answers to questions regarding helicopter instrument training per 61.129(c)(3)(i), on pages 48 and 51 of your "Frequently Asked Questions" reference state the required 10 hours of "instrument training" can be conducted in an aircraft with minimum flight instruments and portable navigation equipment. The instruments you list in the answer would not be adequate for simulated or actual flight by reference to instruments. The definition of "instrument training" in 61.1(b)(10) requires "actual or simulated conditions" which I have understood to mean IMC or "hood" time. How do you reconcile your answers to the definition of "instrument time?"

It appears the intent of the regulation is that we not turn out commercial pilots without some experience in maneuvering an aircraft by reference to instruments, yet waive the requirement that they be tested in the practical test for this skill since many, maybe even most, helicopters are not equipped for flight by reference to instruments.

I have some instructors asking me if "hood time" is required or if the regulation only requires navigation training. I thought you said in Anaheim at the FIRC that the intent was to require only navigation training, however, I can't reconcile this with the definition of "instrument training" in 61.1. Would you please clarify?

ANSWER: Ref. §61.129(c)(3)(i); We can only ask them to be trained on what the certification requirements are in the PTS. Yes, I know it says instrument training in the rule, §61.129(c)(3)(i), but the practical test [e.g., Commercial Pilot PTS for helicopter; Area of Operation VII] is really navigation with the use of navigation radios. But neither the rule nor does the PTS prevent this training being performed with the use of a view limiting device. They should use a view limiting device to maximize the training benefits.
{q&a-165}

QUESTION 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certificated Robinson R-22 (e.g., non-IFR certificated).

1-a. Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER 1-a: No; Section 61.65 does not require the helicopter to be IFR certificated. **However, a VFR certificated helicopter shall not operate under IFR in flight conditions that are less than VMC without the helicopter meeting the certification requirements of Appendix B of Part 27 and §91.205(d).** You can not operate a VFR certificated Robinson R-22 (e.g., non-IFR certificated) in flight conditions that are less than VMC nor may you accept an IFR clearance into flight conditions that are less than VMC. Otherwise, the aircraft always has to be in a position to be in VMC conditions and remain in VMC conditions.

Additionally, FAA Order 8700.1 (page 8-2, para 17) states:

> "17. USE OF AIRCRAFT NOT APPROVED FOR IFR OPERATIONS UNDER ITS TYPE CERTIFICATE FOR INSTRUMENT TRAINING AND/OR AIRMAN CERTIFICATION TESTING. The following paragraphs are intended to clarify the use of an aircraft not approved for IFR operations under its type certificate for instrument flight training and/or airman certification testing.
>
> A. IFR Training in Visual Meteorological Conditions (VMC). Instrument flight training may be conducted during VMC in any aircraft that meets the equipment requirements of §§91.109, 91.205, and, for an airplane operated in controlled airspace under the IFR system, §§91.411 and 91.413. An aircraft may be operated on an IFR flight plan under IFR in VMC, provided the pilot in command (PIC) is properly certificated to operate the aircraft under IFR. However, if the aircraft is not approved for IFR operations under its type certificate, or if the appropriate instruments and equipment are not installed or are not operative, operations in instrument meteorological conditions (IMC) are prohibited. The PIC of such an aircraft must cancel the IFR flight plan in use and avoid flight into IMC.
>
> B. Type Certificate Data. Appropriate type certificate data will indicate whether the aircraft meets the requirements for IFR operations.
>
> (1) Section 91.9(a) prohibits aircraft operations without compliance with the operating limitations for that aircraft prescribed by the certificating authority.
>
> (2) Section 91.9(b) prohibits operation of a U.S. registered aircraft requiring an airplane an airplane or rotorcraft flight manual unless it has on board a current and approved airplane or rotorcraft flight manual or approved manual material, markings, and placards containing each operating limitation prescribed for that aircraft."

QUESTION 1-b: **D**oes this Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER 1-b: No; Section 61.65 does not require the helicopter's flight and navigation instruments to be IFR certificated. However, VFR certificated helicopters shall not

operate under IFR in flight conditions that are less than VMC without meeting the certification requirements of Appendix B of Part 27 and §91.205(d).

QUESTION 1-c: Can the aeronautical experience required by §61.65(d) be performed in this VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-c: Yes; Per §61.65(d).

QUESTION 1-d: Can the training required by Appendix C of Part 141be performed in a VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-d: Yes; §141.39(e) and additionally §91.205(d) applies. Section 141.39(e) does not prevent the use of a VFR certificated Robinson R-22 from being used for performing the training requirements of Appendix C of Part 141.

QUESTION 1-e: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certificated Robinson R-22 (e.g., non-IFR certificated)?

ANSWER 1-e: Yes; Section 61.45(b) and (d) and additionally §91.205(d) applies. Section 61.45(b) and (d) does not prevent the use of a VFR certificated Robinson R-22 for being used for performing the practical test for an Instrument-Helicopter rating.

QUESTION 1-f: Can a hand-held GPS receiver or portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR be Velcroed to the instrument panel?

ANSWER 1-f: Section 61.45(b) and (d) apply and additionally §91.205(d) applies. However, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements [e.g., §§61.65(d)(2)(iv)] §§91.171, 91.411, and 91.413 will also apply. Otherwise, for the aircraft to be operated under IFR the aircraft's --

- VOR has to have been inspected or operationally checked; [e.g. §91.171]

- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [e.g. §91.411] and

- ATC transponder has to have been tested and inspected. [e.g. §91.413]

Additionally, FAA Order 8700.1 [page 222-7, paragraph 13.D. states, in pertinent part:

> ". . . Portable GPS units which are attached by Velcro tape or hard yoke mount that require an antenna (internally or externally mounted) are considered to be portable electronic devices and are subject to the provisions of §91.21. All portable GPS equipment attached to the aircraft by a mounting device must be installed in an approved manner and in accordance with 14 CFR Part 43. . ."

Section 61.45(b) and (d) does not prevent the use of a hand-held GPS receiver for being used during the practical test for an Instrument-Helicopter rating. But you cannot operate the aircraft in flight conditions that are less than VMC nor may you accept an IFR clearance into flight conditions that are less than VMC. Otherwise, the aircraft always has to be in a position to be in VMC conditions and remain in VMC conditions.

Now from a practical use of these hand-held GPS receivers, it is not possible to use them for executing GPS approaches. Because the hand-held GPS receivers on the market today, none are pre-programmed with GPS approaches. So a hand-held GPS receiver cannot be used for executing a GPS approach [§91.175(a)]. Now I realize the GPS radio manufacturing industry are constantly making improvements to these hand-held GPS receivers, and maybe someday hand-held GPS receivers will contain GPS approaches. But to date, there are no hand-held GPS receivers that are pre-programmed with GPS approaches that meet TSO C-129 (or its equivalent installation requirements) equipment approval for IFR use.

So the answer is no, you cannot use a hand-held GPS receiver to execute a GPS approach under IFR in flight conditions that are less than VMC.

And the answer is no, you cannot use a portable VOR receiver to execute a non-precision approach under IFR in flight conditions that are less than VMC.

But the answer is yes, a hand-held GPS receiver can be used for navigation under IFR in VMC flight conditions if the equipment is capable of allowing the pilot to comply with the ATC clearance.

And the answer is yes, a portable VOR receiver can be used for executing a non-precision approach under IFR in VMC flight conditions.

And the answer is also yes, a portable VOR can be Velcroed to the instrument panel.

QUESTION 1-g: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training in this non-IFR certificated Robinson R-22?

ANSWER 1-g: Per §91.205(d); In addition, to the instruments and equipment of §91.205(b), the instruments and equipment listed in §91.205(d)(2) through (9), as appropriate.

QUESTION 2: Ref. §61.129(c)(3)(i); A person is undergoing training for a helicopter additional rating at the Commercial Pilot Certificate level. The helicopter the person will be receiving training in is a non-IFR certificated Robinson R-22.

a. What are the minimum **flight** instruments and equipment requirements for this Robinson R-22 that are used for the instrument training for the add on helicopter rating at the commercial pilot certificate that is addressed in §61.129(c)(3)(i)?

ANSWER 2-a: Ref. §91.205(b); For daytime instrument training, the aircraft's minimum **flight** instruments and equipment requirements may be as a simple as the instruments

requirements of §91.205(b) with a portable communication receiver, and a portable VOR navigation receiver or some other kind of navigation receiver in the aircraft. As an example, if the training was given in a helicopter, the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.

QUESTION 2-b: **I**f the training is being given in a helicopter, does the training have to be given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate?

ANSWER 2-b: Ref. §61.195(c); Yes, it has to be given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate.

QUESTION 2-c: If the instrument training required by §61.129(c)(3)(i) is given by a flight instructor who holds a instrument helicopter rating on their flight instructor certificate, can that time also be used to count toward the aeronautical experience of §61.65(d)?

ANSWER 2-c: Ref. §§61.129(c)(3)(i) and 61.65(d); Yes, the time also be used to count toward the aeronautical experience of §61.65(d).

And in conclusion if you remember nothing from what you have just read in this Q&A answer, ALWAYS REMEMBER THIS EARLIER STATEMENT: **"However, a VFR certificated helicopter shall not operate under IFR in flight conditions that are less than VMC without the helicopter meeting the certification requirements of Appendix B of Part 27 and §91.205(d)."**

These answers have been reviewed and approved by William H. Wallace, AFS-804, National Resource Specialist, Rotorcraft Operations); Robert M. Barton, Manager-AFS-820, Operation Branch; and James Riddle, Manager-AFS-840, Certification Branch from the General Aviation and Commercial Division, Washington, DC; Bob Kopecky, AFS-600; and Jim Carlson, Dallas FSDO No. 5.
{q&a-170}

QUESTIONS: §61.123(h) requires a private (or military equivalent) to be eligible for the commercial. Now, §61.129(a)(3) refers to §61.127(b)(1) and for a commercial ASEL there is a list of items on which training must be done. Of those, all apply to private except (x) which, being high altitude, legitimately is a commercial issue.

QUESTION 1: Must the training specified in §61.129(a)(3) be accomplished after a private certificate is acquired and the decision was made to start commercial training?

ANSWER 1: Ref. §61.123(e)(1) and (f); YES. The training must be accomplished after getting a private pilot certificate FIRST. And also look at the words of §61.123(h). We didn't specify the category and class of the rating, it only requires the applicant hold a private pilot certificate first.

§61.123(e) states: Receive the required training and a logbook endorsement from an authorized instructor who:

(1) Conducted the training on the areas of operation listed in §61.127(b) of this part that apply to the aircraft category and class rating sought; and
(2) Certified that the person is prepared for the required practical test.

Properly endorsed training per §61.123 would certainly seem to indicate someone has made a decision to start commercial training.

§61.123(f) states: Meet the aeronautical experience requirements of this subpart that apply to the aircraft category and class rating sought before applying for the practical test;

An applicant cannot use pre-private pilot training to also be used to meet the commercial training requirement. The applicant must FIRST hold a private pilot certificate. Remember the "building-block" concept of training.

QUESTION 2: Can the solo experience as a student pilot be used to be eligible for the private pilot certificate requirements also be used for commercial requirements if they meet those as required by §61.129(a)(4)?

ANSWER 2: NO. Like the dual training, the solo (training) for the private certificate applies to that certificate only. An applicant who FIRST holds a Private Pilot Certificate could use POST private pilot certificate aeronautical experience that meets requirements of §61.129(a)(4) acquired before formally starting commercial training as long as it is documented in a logbook or training record and the aeronautical experience was actually SOLO. Yes, the time has to be actually SOLO and it has to be aeronautical experience gained after first earning a private pilot certificate. No, the applicant may not have another pilot or non-pilot person on board. It has to be SOLO. Other than this situation, I can't think of any other situation where the aeronautical experience would be creditable and could count toward the commercial pilot aeronautical experience.
{q&a-169}

QUESTION: I am seeking assurance that I understand a detail in sec.61.129 correctly. There you refer - in 61.129(a)(3)(iii) to a cross-country flight without requiring a landing but consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure. Does that mean that I could fly a cross-country without a landing, but at least 100 NM away from the departure airport at one point of the flight? This is how I currently understand the wording. Please let me know if this is correct - and maybe also, WHY the rule is like this, the idea behind it.

ANSWER: You are **NOT** correct in your assumption. You have to have a landing. §61.129(a)(3)(iii) states, in pertinent part, "One cross-country . . . of a total straight line distance of more than 100 nautical miles from the original point of departure. Emphasis on the words "cross-country." Since you are a commercial pilot applicant, now go to §61.1(b)(3)(ii)(B) which defines "cross country" for a commercial pilot applicant as ". . . That includes a point of landing that was at least a straight line distance of more than 50 nautical miles from the original point of departure;"

{q&a-148}

QUESTION: If a commercial pilot with single-engine land rating was to add a multiengine class rating, he or she would do so under FAR 61.63(c). FAR 61.31(d) prohibits a person from "serving" as the PIC of an aircraft unless that person...

1. Holds the appropriate category, class, and type rating ...for the aircraft to be flown, or

2. [Is] receiving training for the purposes of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor, or

3. Have received training required by this part that is appropriate to the aircraft category, class, and type rating...for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

The implication is that a commercial pilot with a single-engine land rating, meeting the requirements of FAR 61.31(d)(2) could "serve" as PIC of a mulitengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under FAR 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of FAR 61.31(d), could you log PIC time in a multiengine airplane under FAR 61.51(e)(4) while flying solo?

If you can log PIC while flying under the supervision of a authorized instructor, is there anything that would prohibit going back in your logbook and recording dual instruction in a multiengine airplane as PIC, similar to what you said could be done in the case of student pilots previously logging solo time?

ANSWER: Reference §61.51(e): Let's not mix "to serve as pilot in command" vs. logging PIC time. §61.51(e) is the rule that address LOGGING PIC time.

Solo flight time in a multiengine airplane may be logged as PIC per FAR 61.51(e)(1)(ii) as amended 5/26/98 by amendment 61/104 as long as the appropriate training and endorsements required by FAR 61.31(d)(3) are met.

For the time while serving as PIC of a mulitengine airplane while under the supervision of a flight instructor:
FROM THE PREAMBLE OF THE FINAL RULE 61-104: "Reference §61.129(b)(4) as adopted in the final rule 61-104, 5/26/98, an applicant would be performing the duties of PIC rather than acting as PIC. Consequently, that flight time does not constitute PIC flight time. Therefore, the FAA has revised §61.129(b)(4) to permit the crediting of flight time accomplished under that paragraph toward the requirements of §61.129(b)(2). However, this revision does not permit an applicant to log the flight time required under §61.129(b)(4) as PIC flight time under §61.51(e) unless the applicant holds a private pilot certificate with a multiengine rating and chooses to accomplish the requirements with an authorized instructor."
{q&a-110}

QUESTION: Could you meet the requirements of FAR 61.129(a)(3)(ii) &(iii) with a VFR trip in which your instructor placed you under the hood? The regulation specifically calls for day VFR conditions (let's assume for this question that the entire trip was under VFR conditions), so, does the fact that you may be under the hood negate the intent of the regulations?

I guess another way to put it would be to say, the FARs require you to log the conditions of flight. Under 61.51(b)(3), if you log hood time, are you excluded from logging day or night as a condition of the flight?

ANSWER: I assume you meant to say §61.129(a)(3)(iii) and (iv).

Reference §61.129(a)(3)(iii) and (iv), in pertinent part, it states:
". . . VFR conditions . . ." And VFR stands for visual flight rules.

No, you cannot do this under the hood.
{q&a-93}

QUESTION: What is the definition or an interpretation of the term "original point of departure" contained in §61.129(b)(3)(iii).

ANSWER: There is no definition of the term "original point of departure" in Parts 1 or 61 or any other FAA publication. Each situation is unique and a definitive definition of "original point of departure" that will cover ALL circumstances and situations is not practicable AND NOT POSSIBLE.

Departure for the purpose of conducting a "round robin" cross-country flight is a normal scenario where "original point of departure" and destination are the same. See {q&a-60} ANSWER 6: The "original point of departure" does not change with a new day or delay.

Other examples include:
1. The purpose of repositioning (emphasis: purpose of repositioning) the aircraft to another airport, to start a cross-country flight in order to meet the 250 nautical miles cross-country requirements of section 61.129(a)(4)(i).

2. A person departs the Los Angeles International Airport on day 1 for the purpose of conducting a cross country flight to the San Jose Airport (emphasis purpose of conducting a cross country flight to the San Jose Airport) and remains overnight. On day 2, that person departs San Jose Airport for the purpose of conducting a cross country flight to the Lake Tahoe Airport (emphasis purpose of conducting a cross-country flight to the Lake Tahoe Airport) and remains overnight. On day 3, that person departs Lake Tahoe Airport for the purpose of conducting a cross country flight to the Los Angeles Intl. Airport (emphasis purpose of conducting a cross-country flight to the Los Angeles Intl. Airport) for termination. Which airport is the "original point of departure?" All 3 airports would qualify as the "original point of departure."

3. Now in a similar situation, but slightly different, a person departs the Los Angeles International Airport for the purpose of conducting a round-robin (without ever landing enroute) cross-country flight from the Los Angeles International Airport to the San Diego, CA 030° radial

at 12 DME to the Yuma, AZ 350° radial at 10 DME and then returns to the Los Angeles Intl. Airport (emphasis purpose of conducting a "round-robin" cross-country flight). Which airport is the "original point of departure?" The Los Angeles International Airport is the "original point of departure". But this cross country flight will not qualify for you applicants in pursuit of a private pilot certificate, commercial pilot certificate, or an instrument rating. However, if this flight were conducted by a pilot who already holds a commercial pilot certificate, the flight is creditable for the ATP certificate cross-country requirement.

Adherence to these strict definitions of cross country and the "original point of departure" is only necessary when the purpose is for crediting cross country aeronautical experience for the furtherance of a pilot certificate and rating. Cross country aeronautical experience acquired in pursuit of a private pilot certificate, commercial pilot certificate, and an instrument rating must meet the requirements of §61.1(b)(3)(ii) or (iii) with a landing beyond 50 nautical miles for airplanes or 25 nautical miles for rotorcraft from the original point of departure. Cross country aeronautical experience acquired in pursuit of an airline transport pilot certificate (except rotorcraft category) must meet the requirements of §61.1(b)(3)(iv) and military pilots' cross country aeronautical experience is addressed in §61.1(b)(3)(v).

If the cross country is NOT being utilized for the purpose of meeting the aeronautical experience for the furtherance of a pilot certificate, then that cross country flight time may be logged in accordance with §61.1(b)(3)(i).

The time logged in a flight simulator or flight training device **CANNOT** be credited toward meeting the cross country aeronautical experience. §61.1(b)(3) states in part, "time acquired during a FLIGHT. . ." and ". . . Conducted in an appropriate AIRCRAFT" Consequently, the time logged in a flight simulator or flight training device cannot be credited toward meeting the cross country aeronautical experience.

{q&a-98}

QUESTION: Concerns a commercial pilot applicant that completed his commercial pilot practical test, but his application and his aeronautical experience does not meet the commercial pilot requirements of §61.129(b)(3)(iii) [i.e., night flying aeronautical experience] because of a mistake in the issuance of the rules that did not require night flying experience?

ANSWER: I have followed the "paper trail" of this alleged omission that the applicant claims. There was no omission in the rule on this aeronautical experience. The mistake occurred with Jepperson-Sanderson's issuance of the rules, not the FAA's Code of Federal Regulations. The FAA's rule are correct.

In the FAA's issuance of Amdt. No. 61-100 (61 FR 34555; July 2, 1996), the only omission related to the provision ". . . at least 100 hours in powered aircraft. . ." that was omitted from §61.129(b)(1). The correction document that was issued as a final rule on March 21, 1997 (62 FR 13790; Amdt No. 61-101) reinstated the provision ". . . at least 100 hours in powered aircraft" in §61.129(b)(1). The correction document placed five asterisk (*) after §61.129(b)(2)(ii) which means the remaining portion of §61.129 [i.e., §61.129(b)(3) and (4) and (c)] remains in effect. Jepperson, incorrectly omitted §61.129(b)(3) and (4) and (c). The FAA did it correctly. There is no mistake here on the FAA's part.

Therefore, the applicant will be required to gain the night aeronautical experience as required by §61.129(b)(3)(iii) before the certificate can be issued. However, we think it would only be fair since the applicant has already passed the practical test to only require him to fly the required aeronautical experience that he is lacking and then have him, his instructor, and the examiner complete a new application and then resend it to AFS-760. That procedure would be fair to the applicant and still maintain the legal requirements for issuance of the pilot certificate.
{q&a-37}

QUESTION: §61.129(c)(3)(i) is the rule that requires instrument training for a commercial pilot certificate with a helicopter rating and the rule states "10 hours of instrument training in an aircraft" Does this instrument training have to be given by a CFII?

ANSWER: Yes and the CFII must be for the category and class of aircraft that the training is being given in. For example, if the training is being given in an airplane, then the CFII would have to hold an instrument-airplane rating on his or her flight instructor. If the training is being given in a helicopter, then the CFII would have to hold an instrument-helicopter rating on his or her flight instructor certificate.

QUESTION: What are the training tasks required for instrument training for a commercial pilot certificate with a helicopter rating that is addressed in §61.129(c)(3)(i)?

ANSWER: The training tasks are: Knowledge of the elements related to navigation systems and ATC radar services; Selects and identifies the appropriate navigation system/facility; Locates the aircraft's position using radial, bearings, or coordinates; Intercepts and tracks a given radial or bearing; Recognizes and describes the indication of station passage; Recognizes signal loss and takes appropriate action; Utilizes proper communication procedures when utilizing ATC radar services; Maintains the appropriate altitude within ±100 feet and heading ±10 degrees; Knowledge of the elements related to procedures for diversion; Knowledge of the elements related to lost procedures; Uses available navigation aids or contacts an appropriate facility for assistance; and Plans a precautionary landing if deteriorating visibility and/or fuel exhaustion is imminent.

QUESTION: What are the minimum **flight** instruments and equipment requirements for the aircraft that are used for the instrument training for a commercial pilot certificate with a helicopter rating that is addressed in §61.129(c)(3)(i)?

ANSWER: For daytime instrument training, the aircraft's minimum **flight** instruments and equipment requirements may be as a simple as the instruments requirements of §91.205(b) with a portable communication radio, and a portable VOR navigation radio or some other kind of navigation radio in the aircraft. As an example, if the training was given in a helicopter, the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication radio, and a portable navigation radio.
{q&a-38}

QUESTION 1. 61.129 (c)(3)(i). If the 10 hours of instrument instruction required for the commercial helicopter certificate is completed in a helicopter, can this training be given by a

helicopter CFI that does not possess a rotorcraft helicopter instrument rating? I am aware that it does not take a CFII to give this training, but does the CFI need to have an instrument rating?

ANSWER 1: It has to be given by a holder of a Flight Instructor Certificate with a Helicopter-Instrument rating (and the instrument rating must be on the flight instructor certificate). See §61.1(b)(2)(ii) for the definition of an Authorized Instructor which states " . . . in accordance with the privileges and limitations of his or her flight instructor certificate." And look at §61.1(b)(10) for the definition of Instrument Training which states ". . . received from an authorized instructor . . ." As a result of those two definitions, AFS-840 has determined our policy requires the "instrument training," required in §61.129, must be given by a helicopter CFII.

QUESTION 2: 61.129 (c)(3)(i) and (ii). Can the one cross country flight of at least 2 hours include landings at more than one point, as long as one of the legs is at least more than 50 nautical miles?

ANSWER 2: We assume you mean §61.129(c)(ii) and (iii) and not (i) and (ii). The answer is yes to your question. Just like the rule says ". . . of at least 2 hours in . . ." Therefore, the flight can be made to the North Pole and back, just as long as the flight consists ". . . of a total straight line distance of more than 50 nautical miles from the original point of departure."
{q&a-66}

QUESTION: Taking into consideration the definition of "Training Time," this paragraph DOES mean 10 hours of dual instruction in a complex airplane, NOT 10 hours of flight instruction and practice as noted in the old 61. Am I correct??

ANSWER: It means dual instruction as stated, "10 hours of training in a multiengine airplane that has a retractable landing gear, flaps, and controllable pitch propeller, or is turbine powered or for an applicant seeking a multiengine seaplane, 10 hours of training in a multiengine seaplane that has flaps and a controllable pitch propeller." Also read §61.1(b)(15) reference "training time."
{q&a-27}

QUESTION 6: Must the solo X/C described in 61.129(a)(4) be as "sole occupant" as defined in 61.51(d) --i.e., alone in the aircraft? Suppose a person did a X/C trip as a PVT that fulfills the rule in every other respect, except s/he was carrying non-pilot passengers --his/her children, for example. Wasn't that pilot "alone" for all practical purposes (decision-making, flight planning and execution, etc.). Mightn't it be argued that such experience is actually MORE valuable than being physically alone in the airplane, since it adds to the mix elements of responsibility and pressure --and the implied the ability
to manage those factors-- that wouldn't otherwise be there?

ANSWER 6: [§61.129(a)(4) It says "SOLO" and we intended it to be "SOLO." So if a person has his or her grandmother, brothers, aunts, or uncles on board, he was not solo. IT HAS TO BE DONE SOLO
{q&a-8}

QUESTION: 61.129(a)(4) Aeronautical Experience for the Commercial Pilot Certificate states that "10 hours as solo flight in a single-engine..." is required. In the past "solo" flight was not required at the commercial level. The Preamble states on page 73 that "...HAI objects to the requirements in proposed 61.129(a)(4)...for supervised PILOT IN COMMAND on the areas of operation listed in 61.127." QUESTION: Does a Private Pilot need to be the "sole occupant" in the airplane to meet the requirements of 61.129(a)(4), or can they carry passengers which the preamble seems to imply by the wording "pilot in command".

ANSWER: §61.129(a)(4) says solo and we intended it to say "solo." As it relates to §61.129(a)(4), no the person CANNOT take a non pilot person along on the flight.
{q&a-53}

QUESTION 9: FAR 61.129(a)(2)(ii) and (b)(2)(ii) requires 50 hours X/C in airplanes. I have since learned that this is an error (should read 10 hours, and that a correction will be issued. In the interim, can we get something by official memorandum to show examiners so that we can keep going until the next amendment comes out? [This is hot.]

ANSWER 9: As of the Correction Document, §61.129(a)(2)(ii) now reads "50 hours in cross country flight of which at least 10 hours must be in airplanes."

and

§61.129(b)(2)(ii) now reads "50 hours in cross country flight of which at least 10 hours must be in airplanes."
{q&a-8}

QUESTION 1: FAR 61.129(a)(3)(ii) requires "10 hours of training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller..."

Old FAR 61.129(b)(1)(ii) reads "10 hours of flight instruction and practice given by an authorized flight instructor in an airplane having a retractable landing gear, flaps and a controllable pitch propeller..."

I believe the current interpretation is that you must have 10 hours in a complex aircraft, but not all of it has to be instruction. The new Part 61 requires "10 hours of training..." and thus appears to be different from the old requirements. Could you confirm whether this is a change from present interpretations?

ANSWER 1: The new §61.129(a)(3)(ii) requires "10 hours of training in an airplane . . ." Yes, all of it has to be from an authorized instructor; or to say it in the old way, it must be DUAL INSTRUCTION. Yes, the new rule changes the past policy.
{q&a-71}

QUESTION 1: For an applicant for a commercial pilot certificate with an airplane single engine rating, the new §61.129(a)(3)(ii) requires "10 hours of training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller . . ." Does all 10 hours of training require that it be dual instruction?

ANSWER 1: Yes it is training given from an authorized instructor; per §61.129(a)(3)(ii) and paragraph (a)(3) SAYS "20 hours of training . . ." and subparagraph (ii) is structured as a part of paragraph (a)(3). Yes, it requires the training to be given from a holder of a CFI-ASE rating

QUESTION 5: Per §61.129(c)(3)(i), what are the minimum instrument equipment required for the instrument training and the practical test required for a commercial pilot certificate with a helicopter rating? Could the navigation equipment be a hand held VOR radio? Could the navigation equipment be a hand held GPS radio?

ANSWER 5: The "instrument" training and "instrument" tasks to be tested on the practical test for a commercial pilot certificate with a helicopter rating are addressed on page 1-19 of the Commercial Pilot-Helicopter PTS are the tasks to be tested are as follows: Knowledge of the elements related to navigation systems and ATC radar services; Selects and identifies the appropriate navigation system/facility; Locates the aircraft's position using radial, bearings, or coordinates; Intercepts and tracks a given radial or bearing; Recognizes and describes the indication of station passage; Recognizes signal loss and takes appropriate action; Utilizes proper communication procedures when utilizing ATC radar services; Maintains the appropriate altitude within ±100 feet and heading ±10 degrees; Knowledge of the elements related to procedures for diversion; Knowledge of the elements related to lost procedures; Uses available navigation aids or contacts an appropriate facility for assistance; and Plans a precautionary landing if deteriorating visibility and/or fuel exhaustion is imminent.

Therefore the minimum instrument equipment are for daytime instrument training, the aircraft's minimum **flight** instruments and equipment requirements may be as a simple as the instruments requirements of §91.205(b) with a portable communication radio, and a portable VOR navigation radio or some other kind of navigation radio in the aircraft. If instrument training and tasks were for a commercial pilot certificate with a helicopter rating then the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication radio, and a portable navigation radio. But as far as the minimum instrument equipment for the instrument training for the Commercial Pilot-ASEL, Commercial Pilot-AMEL, and Commercial Pilot-Powered Lift certificate and ratings are the same as it is for the Commercial Pilot-Rotorcraft Helicopter certificate and rating. There is no rule that requires the navigation radio to be permanently installed so the radios may be hand-held. I have reviewed this matter with AIR-100 and AFS-400 and there are no rules requiring the radios to be permanently installed for this kind of training and testing. Now if we're talking about real IFR flight operations, then the instrument equipment and instruments of §91.205(d) apply.

QUESTION 6: Per §61.129(b)(4) for a Commercial Pilot Certificate with an airplane multiengine land rating where it states "10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor on the areas of operation listed in §61.127(b)(2) of this part, which includes at least--. . . ."

and

and per Appendix D of Part 141 [i.e., paragraph 5.(b)] for a Commercial Pilot Certificate with an airplane multiengine land rating where it states "10 hours of flight training in a multiengine airplane performing the functions of pilot in command while under the supervision of a certificated flight instructor. . ."

Can the applicant and the flight instructor both log it as PIC time?

ANSWER 6: No. The flight instructor can log PIC time because of the wording of §61.51(e)(3) (e.g., ". . .(3) An authorized instructor may log as pilot-in-command time all flight time while acting as an authorized instructor.")
However, the pilot receiving the training can not log PIC unless that person already holds a multiengine rating acquired while a private pilot, thereby meeting the requirement per §61.51(e)(1)(i) (e.g., "(i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated;). Otherwise the time may only be logged as dual received.
{q&a-73}

QUESTION 5: A student who holds a Private Pilot, ASEL Certificate is training for the Commercial Pilot, Airplane Single Engine Land, desires to use a multi-engine airplane for the complex portion of the training and testing. The preamble for 61.129 states that "For airplanes, the FAA specified that the complex airplane requirements must be class-specific,_". I do not find these words in 61.129. Could you please clarify this.

ANSWER 5: In §61.129(a)(3)(ii), it just says ". . . in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller, or is . . ." The applicant can use a multiengine airplane that is complex. However, if the applicant had been going the other way for a multiengine airplane rating, read §61.129(b)(3)(ii) very carefully. Then it would have to be in a multiengine airplane that was complex.
{q&a-74}

QUESTION 1: Is 20 hours required to meet 61.129(b)(3) and an additional 10 hours to meet 61.129(b)(4) requirements? Or can the 10 hours performing duties as PIC in AMEL be acquired while meeting the 61.129(b)(3) -- 2 hours VFR day or night x/c or getting the instrument training?

ANSWER 1: A total of 30 hours is required. 61.129(b)(3) and 61.129(b)(4) are separate requirements and cannot be combined.

QUESTION 3: Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL.
Dose 61.63(b) apply? Then for 61.63(b)(1) we go to 61.129(a) for such things as: 50 hours in airplanes, 10 hours x/c in airplanes, 5 hours instrument training in airplanes, etc?

ANSWER 3: YES, 61.63(b) does apply, and YES the category requirements of 61.129 apply.

QUESTION 16: For the flight(s) required by 61.129(b)(4) is both the person performing the duties of PIC and the instructor logging PIC?

ANSWER 16: No. The instructor may log PIC per 61.51(e)(3); the pilot performing the duties of PIC must be rated in multiengine airplanes (private pilot, airplane multiengine land or sea) to log PIC per 61.51(e)(1)(i). Otherwise the time may only be logged as dual received.

QUESTION 19: Is the 61.129 (a)(3)(i); (b)(3)(i), etc. a requirement that "instrument training" be provided by a CFII rather than a CFI?

ANSWER 19: YES
{q&a-60}

QUESTION 1: New FAR 61.129(a)(4)(i) appears to require a solo cross-country flight of not less than 300 NM. The existing requirement [ref: FAR 61.129(b)(3)(ii)] requires PIC time...not solo. I recall you mentioning this in one of our conversations and I believe you indicated that this would be changed in the upcoming corrections document. Was it your intention to require solo time instead of PIC and will this issue be address in the corrections document?

ANSWER 1: It is solo time. Yes, we intended to have the pilot solo.
{q&a-10}

QUESTION: I am having trouble deciphering the required total time, dual time, and solo time for applicants for commercial pilot-glider ratings?

ANSWER: The answer is for the commercial pilot glider applicant is covered by the corrected §61.129(f) which states:

(f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least:

(1) 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least —

(i) 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test; or

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot in command, which includes at least—

(i) 3 hours of flight training or 10 training flights on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) Five solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test.

Otherwise in simple terms paragraph (f)(1) requires for commercial pilot applicants to **have** logged at least:

1. 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part that includes--

a. 3 training flights in preparation for the practical test within the 60-day period preceding the date of the test; and

b. 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part.

or

Otherwise in simple terms paragraph (f)(2) requires for commercial pilot applicants to **have** logged at least:

2. 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot-in-command, which includes at least 3 hours of flight training or 10 training flights with an instructor on the areas of operation listed in § 61.127(b)(6) of this part that includes--

a. 3 training flights with an instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

b. 5 solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part.

{q&a-35}

QUESTION: A Commercial Pilot with Helicopter/Instrument Ratings only, wants to add Airplane-Multiengine to his Commercial certificate. Does the applicant need to meet all the requirements of 61.129 (b) or just the "training" areas of operation listed in 61.127 (b) (2)?

ANSWER: Per §61.63(b)(1), "Must have received the required training and possess the aeronautical experience prescribed by this part that applies to the pilot certificate for the aircraft category and, if applicable class rating sought;"

To address your example, you have an applicant who holds a Commercial Pilot Certificate with a helicopter rating. The applicant now wants to add an AMEL rating at the commercial pilot level. So in accordance with §61.63(b)(1) [i.e., ". . . required training and possess the aeronautical experience prescribed . . ." you'd go to §61.129(b) and accomplish ". . . the aeronautical experience and training. . ." that apply to the airplane multiengine rating. We've summarized the requirements and this is how you'd read the intent of §61.63(b)(1):

-250 hours of flight time as a pilot with 50 hours in airplanes

-100 hours of PIC flight time that includes 50 hours in airplanes & 50 hours in cross country of which at least 10 hours must be in airplanes

-20 hours of dual training on §61.127(b)(2) that includes: 5 hours instrument training in a multiengine airplane; 10 hours in a complex multiengine airplane; One 2-hour day VFR x-c in a multiengine airplane; One 2-hour night VFR x-c in a multiengine airplane; and 3 hours in a multiengine in prep for the practical test.

-10 hours of flight time in a multiengine airplane performing PIC duties that includes: One (at least)300 NM x-c flight in a multiengine airplane to a point more than 250 NM from original departure and three landings; and 5 hours in a multiengine airplane under night VFR with 10 takeoffs and landings at a towered airport.

{q&a-83}

61.131

QUESTION: How does one perform the night flying as required by §61.129(a)(4)(ii) at the Commercial Pilot Certificate level if his certificate has the "Night Flying Prohibited" limitation? The situation is the person took his commercial pilot training in Alaska and didn't perform the required night flying aeronautical experience at the time he made application for his certificate, so he was issued a Commercial Pilot Certificate with the limitation "Night Flying Prohibited." How does he now legally perform this night training solo, if his certificate has the limitation "Night Flying Prohibited?"

ANSWER: Ref. §61.131(b)(2)(i); You are correct in that neither the rule nor FAA Order 8700.1 address this issue. This is where reasonableness and common sense have to prevail between the FAA and the applicant. We would expect the person to be under the supervision of an instructor who will supervise this person's solo night training. We also will expect the solo night training being performed to be ". . . 5 hours in night VFR conditions with 10 takeoffs and 10 landings (with each landing involving a flight in the traffic pattern) at an airport with an operating control tower . . ." and just like the rule [i.e., §61.129(a)(4)] requires, the time will be performed SOLO. But most and foremost, reasonableness and common sense have to prevail between the FAA and the applicant. Rest assured, if we begin to see a trend where we have problems, a rulemaking action will be initiated to resolve the problem.
{q&a-278}

QUESTION: The question comes from Alaska..... The new night restriction for Alaska. Does the one year time frame for completing the required training apply to those pilots certificated prior to August 4, 97?

ANSWER: If the person's certificate was issued prior to August 4, 1997 with the "Night Flying Prohibited" limitation then we cannot go back and force that person to get the training.

QUESTION: For those certificated after August 4, with the restriction "night flying prohibited" placed on their certificate, just what does happen at the end of the one year when the pilot has not completed the
required training to remove the restriction?

ANSWER: Just like the rule (i.e., §§61.110 and 61.131) says ". . . become invalid for use." So if anybody with a certificate issued on or after August 4, 1997 (emphasis added on or after August 4, 1997) that has the "Night Flying Prohibited" limitation then just like the rule says ". . . become invalid for use."
{q&a-21}

QUESTION: A fully qualified private pilot became an Alaska resident in early spring and completed the requirements that summer for a commercial certificate. However, he only had 2 hours night solo flight time and did not meet the 61.129(a)(4)(ii) requirement of 5 hours night

solo. His new commercial certificate has a NIGHT FLYING PROHIBITED limitation. Is it true and right that he has lost night flying privileges he has as a private pilot?

ANSWER: The answer is addressed in §61.131. The person sought a commercial pilot certificate, but didn't accomplish the commercial pilot night flight aeronautical experience. As per §61.131, he gets the "Night Flying Prohibited" placed on the certificate. We realize some will argue that the applicant didn't have it before when he held only a private pilot certificate. Well he didn't accomplish the commercial pilot aeronautical experience on night flying, So he gets the "Night Flying Prohibited" placed on his commercial pilot certificate.
{q&a-77}

61.133

QUESTION: Can a Designated Pilot Examiner with a balloon authorization remove the limitation "Limited to Hot Air Balloons with Airborne Heater", or must it be removed by a Flight Standards Inspector? We have a Private/Commercial Pilot who holds LTA-Balloon with the limitation: Limited to Hot Air Balloons with Airborne Heater. Our intrepid airman has completed all of the regulatory requirements in a GAS BALLOON for the removal of the "airborne heater" limitation. A review of Order(s) 8700.1 and 8710.3C show that DPE's are allowed to remove certain limitations based on training, experience, and endorsements - but not necessarily this one.

ANSWER: Ref. §61.115(a); §61.133(b)(2)(iii); and FAA Order 8710.3C, page 1-3, paragraph 3.A. Yes, an examiner with the appropriate letter of authorization (LOA) is authorized to remove the "Limited to Hot Air Balloons with Airborne Heater" limitation. That examiner's DPE letter of authority must provide for privileges for conducting practical test in gas balloons. In reference to FAA Order 8710.3C, page 1-3, paragraph 3.A, the Order does not prohibit examiners from being authorized to remove the balloon limitations. In reading paragraph 3.A of FAA Order 8710.3C, it merely grants privileges ". . . to accept applications . . . appropriate to the certificates and letter of authorization (LOA) held by the examiner." So by process of elimination, it would seem reasonable that an examiner who has gas balloon privileges on his/her letter of authority would be permitted to remove the limitation.

And in both §61.115(a) and §61.133(b)(2)(iii), the examiner would merely need to check and verify the applicant's records to insure the applicant has obtained "*. . . the required aeronautical experience in a gas balloon and receives a logbook endorsement from an authorized instructor who attests to the person's accomplishment of the required aeronautical experience and ability to satisfactorily operate a gas balloon.*"
{q&a-388}

QUESTION: I just had a question regarding pilots who received their commercial license prior to the limitation/ restriction requiring them to have an instrument rating before they could fly for compensation (i.e., issued prior to the November 1, 1974 effective date when Part 61 was revised requiring Instrument-Airplane rating). Are they grandfathered in, or to fly for hire, are they required to go out and get the instrument rating?

ANSWER: §61.133(b); Yes, commercial pilot certificates with the airplane rating but without the instrument-airplane rating issued prior to November 1, 1974 are grandfathered in and may, per §61.133(a)(1)(i) and (ii):

(a) Privileges. (1) General. A person who holds a commercial pilot certificate may act as pilot in command of an aircraft--

(i) Carrying persons or property for compensation or hire, provided the person is qualified in accordance with this part and with the applicable parts of this chapter that apply to the operation; and

(ii) For compensation or hire, provided the person is qualified in accordance with this part and with the applicable parts of this chapter that apply to the operation.

However, if the question you're asking is whether a person may fly for a Part 121 or Part 135 operator flying airplanes, the answer is no. Because note in both provisions of §61.133(a)(1)(i) and (ii), the words ". . . is qualified in accordance. . . and with the applicable parts of this chapter that apply to the operation . . ." For example, if a person holds a commercial pilot certificate with an Airplane-Single Engine Land rating, but does not hold an Instrument-Airplane rating. Then per §135.243(b)(3), it requires a person to hold an Instrument-Airplane rating. But certainly, the pilot may continue to perform some commercial operations (that are not applicable to Parts 121 or 135 operations), such as photography flights, pipeline patrols, etc. where there is a carriage of persons or property for compensation or hire.

This answer is based on previous policy letters that were issued on November 20, 1973 and October 9, 1974.
{q&a-305}

QUESTION 1: Can an applicant for a commercial pilot certificate with a multiengine land rating who does not hold an instrument rating CHOOSE not to do the instrument flight maneuvers for the multiengine practical test? FAR 61.43 (d) states An applicant is not eligible for a certificate or rating sought until all the areas of operation are passed. FAR 61.45 (b)(2) has a provision for aircraft that does not have capability to perform all tasks to be issued a rating with a limitation. (I realize the limitation for a commercial that does not hold an instrument airplane rating would apply. (That is a given.) I am asking, can an applicant choose to also have a VFR limitation?

It was our understanding that in the past you had told us that all commercial pilots have to have some instrument training to be eligible for a certificate and they can no longer choose to omit the instrument maneuvers for the multiengine practical test because of 61.43.

ANSWER 1: Ref. §61.133(b) and FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f);

In the scenario you have asked me, the answer is this commercial pilot who holds ratings of a Rotorcraft Helicopter and Instrument-Helicopter and is only seeking to add an Airplane Multiengine Land rating to that certificate at the commercial pilot level is not required to be tested on the commercial pilot area of operation IX in the Commercial Pilot PTS. The applicant is not Instrument-Airplane rated like the question that was posed to me in an earlier question and

answer. In that question and answer, the applicant held an Airplane Single Engine Land rating and an Instrument-Airplane rating and was seeking to add an Airplane Multiengine Land rating. He held an Instrument Airplane rating and as per the Commercial Pilot PTS's Rating Task Table on page 2-v, he was required to be tested on that area of operation IX of the Commercial Pilot PTS for the Airplane Multiengine Land rating. Therefore, in the scenario you have asked me, at the successful conclusion of the practical test, the applicant's pilot certificate would be re-issued to read as follows:

Commercial Pilot
Rotorcraft-Helicopter
Airplane Multiengine Land
Instrument-Helicopter
"The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited."

QUESTION 2: This is a follow-on to question 1 above. I understand the limitation cited in §61.133 (b), as described in answer 1 above would be required because in the scenario you've presented in answering question 1 applies to a Commercial Pilot Certificate applicant for an airplane category who does not hold an instrument rating in the same category and class of airplane. Even if the applicant in your scenario had completed task A, B, & C of Area of Operation IX [i.e., the multiengine operations portion of the practical test standards for a commercial pilot multiengine rating], the "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited" limitation would still be on the certificate because of §61.133 (b). That is because the applicant does not have an Airplane-Instrument rating.

However, the question I'm asking is "can an applicant for an Airplane-Multiengine Land at the Commercial Pilot Certificate level refuse to do tasks A, B, and C regardless of whether or he holds an Airplane-Instrument rating?

My argument is that §61.43 (d) says he can't if he wants a multiengine rating at the commercial pilot level. Can an applicant get a multiengine land rating (VFR Only) at the Commercial Pilot Certificate level? We know for sure in the scenario you used that the applicant DID NOT DO task A, B, or C. I don't think he is qualified for the rating. Please explain to me how we can justify negating the provisions of §61.43 (d).

Try this scenario. The applicant holds a Private Pilot Certificate with an Airplane-Multiengine Land rating. The applicant applies for a Commercial Pilot Certificate - Airplane Multiengine Land rating. I understand the applicant will get the §61.133(b) limitation [i.e., "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited" limitation]. But can the applicant refuse to do tasks A,B, and C just because he wants to. If he can, then I insist that the VFR limitation also be shown because otherwise when the applicant comes in and adds an instrument rating in a single engine airplane, we would have no way of knowing that the multiengine should have been limited to VFR only. We would naturally assume the applicant performed tasks A, B, and C of the Commercial Pilot Certificate - Airplane Multiengine Land practical test standards because §61.43 says he has to.

ANSWER 2: Ref. §61.133(b) and §61.43(d); First of all your assumption is not correct that ". . . we would have no way of knowing that the multiengine airplane should have been limited to VFR only. We would naturally assume the applicant performed tasks A, B, and C . . ." The examiner conducting the practical test WOULD KNOW that the applicant has not been tested on tasks A, B, and C. The applicant in your scenario only holds a Private Pilot Certificate with an Airplane-Multiengine Land rating. The applicant does not hold an Instrument-Airplane rating, so the applicant is NOT required to be tested on area of operation IX, Tasks A, B, AND C of the Commercial Pilot PTS for the Airplane-Multiengine Land rating. In the Commercial Pilot PTS for the Airplane-Multiengine Land rating on page 2-v, the "Rating Task Table" states "*If the applicant is instrument rated, and instrument competency has been previously demonstrated in a multiengine airplane, AREA OF OPERATION IX, TASKS A, B, AND C need not be demonstrated." However, in this scenario you've presented, the applicant does NOT hold an Instrument-Airplane rating so the applicant need not be tested on area of operation IX, Tasks A, B, AND C.

QUESTION 3: Your answer does not answer the question that I'm trying to get answered. I understand the §61.133(b) limitation [i.e., "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited."]. Let's try this scenario. The applicant holds a Commercial Pilot Certificate with an Airplane-Multiengine Land. He does not hold any Airplane-Instrument rating. The person's pilot certificate reads as follows:

Commercial Pilot
Airplane Multiengine Land
"The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited."

Now the applicant seeks to add an Airplane Single Engine Land rating at the commercial pilot level and an Instrument-Airplane rating. What limitation should be placed on the Airplane Multiengine Land rating after the person's pilot certificate gets re-issued with the Airplane Single Engine Land rating and Airplane-Instrument rating?
If the applicant was not tested on AREA OF OPERATION IX, TASKS A, B, AND C in the Commercial Pilot PTS when he earned his Airplane Multiengine Land rating, then how would the examiner know if a "VFR Only" limitation should be placed on the Airplane Multiengine Land rating?

ANSWER 3: Ref. §61.43(d) and the Commercial Pilot PTS for the Airplane-Multiengine Land rating on page 2-v, the "Rating Task Table"; Specifically, the Commercial Pilot PTS for the Airplane-Multiengine Land rating on page 2-v is for a person who holds an Instrument-Airplane rating. Your applicant DID NOT hold an Instrument-Airplane rating. He only earned his Instrument-Airplane rating in a single engine airplane. I CANNOT BELIEVE AN EXAMINER WOULD NOT RECOGNIZE THIS! The examiner would place a "VFR Only" limitation on the Airplane-Multiengine Land rating when he re-issues the person's pilot certificate at the time the person earned his Airplane Single Engine Land rating and an Instrument-Airplane rating.. When the examiner issues the applicant's pilot certificate, it will read as follows:

Commercial Pilot
Airplane Single Engine Land
Airplane Multiengine Land (VFR Only)
Instrument-Airplane

When the applicant receives the required training and endorsement from an instructor and satisfactorily accomplishes a practical test on AREA OF OPERATION IX, TASKS A, B, AND C of the Commercial Pilot PTS in an multiengine land airplane, the "VFR Only" limitation will be removed.
{q&a-299}

QUESTION 1: The situation is I have an applicant who holds a Private Pilot Certificate that reads as follows:

PRIVATE PILOT
AIRPLANE SINGLE ENGINE LAND
INSTRUMENT AIRPLANE

The applicant is seeking a Commercial Pilot Certificate and an Airplane Multiengine Land rating. The applicant has informed me the multiengine airplane (e.g., Cessna 310) is incapable of performing the flight by reference to instruments (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A). Can the applicant be allowed to take the practical test and, if passed, receive the pilot certificate with eather a "VFR ONLY" limitation or the limitation, "The carriage of passengers for hire in multiengine airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited?"

ANSWER 1: Yes, Ref. §61.45(b)(2) and §61.133(b)(1) and FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3); an applicant can be allowed to use an aircraft that is incapable of performing the instrument areas of operations of the practical test. Per §61.45(b)(2), it states:

> "(2) An applicant for a certificate or rating may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test. However, the applicant's certificate or rating, as appropriate, will be issued with an appropriate limitation."

And since the applicant already holds an Instrument-Airplane rating, there is no requirement to add the limitation "The carriage of passengers for hire in airplanes on cross-country flights in excess of 50 nautical miles or at night is prohibited." Per FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f)

Therefore, the limitation that would be placed on the applicant's pilot certificate who did not perform the required instrument Area of Operation IX, Tasks A, B, and C [of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A] would be "Airplane Multiengine VFR Only." That limitation, per FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3), would be so noted with the limitation, "VFR Only," on the applicant's pilot certificate in the limitation section of that certificate.

So after the applicant satisfactorily accomplishes the Commercial Pilot Practical Test for the multiengine airplane land rating (but remember in this scenario the applicant DID NOT demonstrate instrument privileges in the multiengine airplane), so the applicant's newly issued pilot certificate will read as follows:

COMMERCIAL PILOT
AIRPLANE MULTIENGINE LAND
PRIVATE PILOT AIRPLANE SINGLE ENGINE LAND
INSTRUMENT - AIRPLANE
Airplane Multiengine VFR Only

QUESTION 3: The situation is I have an applicant who holds a Private Pilot Certificate with an Airplane Single and Multiengine Land rating and with an Instrument-Airplane rating (i.e., **NOTE** the applicant has already previously demonstrated instrument proficiency in both the single and multiengine airplanes). The applicant is now seeking a Commercial Pilot Certificate for an airplane multiengine land rating. Does the applicant have to perform the instrument requirements (i.e., Area of Operation IX, Tasks A, B, and C of the Commercial Pilot Practical Test Standards, FAA-S-8081-12A) on the practical test?

ANSWER 3: Ref. §61.133(b)(1); Commercial Pilot Practical Test Standards, FAA-S-8081-12A, page 2-v; No, the applicant does not have to perform Area of Operation IX, Tasks A, B, and C. Per the Commercial Pilot Practical Test Standards, FAA-S-8081-12A, page 2-v, it states "* If the applicant is instrument rated, and instrument competency has been previously demonstrated in a multiengine airplane, AREA OF OPERATION IX, TASKS A, B, and C need not be demonstrated."

Question 4: Ref. §61.3(e) and §61.65(a)(8); I have a situation where an applicant is seeking an additional class rating in a multiengine land airplane at the private pilot certificate level. The applicant currently holds a Private Pilot Certificate with an Airplane Single Engine Land rating and an Instrument-Airplane rating. The applicant does not want instrument privileges for the multiengine land airplane rating and does not want to demonstrate the required instrument tasks (i.e., Instrument Rating Practical Test Standards, FAA-S-8081-4B, page viii). Does the applicant get issued a Private Pilot Certificate with a "VFR Only" limitation on the Airplane Multiengine Land rating?

Answer 4: Ref. FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3); Yes, the applicant's pilot certificate will be issued with the limitation "VFR Only" following the Airplane Multiengine Land rating. Per FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3) it states "If an instrument rating is added to a certificate using a single engine airplane, and the applicant has a multiengine airplane rating (land or sea), enter a VFR limitation for those multiengine privilege." Therefore, after the applicant satisfactorily accomplishes the additional airplane multiengine land rating at the Private Pilot Certificate level, the person's certificate will read as follows:

PRIVATE PILOT
AIRPLANE SINGLE AND MULTIENGINE LAND
INSTRUMENT - AIRPLANE

Airplane Multiengine VFR Only
{q&a-220}

61.153

CORRECTION: This correction to Q&A#187 reflects General Counsel interpretation that allows holders of Taiwanese commercial & instrument pilot certificates or airline transport pilot certificates to apply for US airline transport pilot certificates per §61.153(d)(3).

QUESTION: One of our computer test guys from Taiwan stopped by and had a question regarding §61.153(d)(3). Since Taiwan is not an ICAO member state do they have a note from home that would allow a holder of a Taiwan ATP or commercial qualify? I know that in our bilateral agreements with Taiwan we expect them to maintain ICAO Standards and Recommended practices.

ANSWER: Ref. §61.153(d)(3); § 61.75; and FAA Order 8700.1, page 29-9; Even though Taiwan is no longer an ICAO member country, a person who holds a Taiwanese pilot certificate of at least at the private pilot certificate level or higher, may apply for a U.S. private pilot certificate on the basis of §61.75. And a person who holds an Taiwanese airline transport pilot license or a Taiwanese commercial pilot license and an instrument rating, without limitations, may apply for a U.S. ATP certificate under §61.153(d)(3). The basis for this answer is provided by the following legal interpretation from:

Jeffrey A. Klang; Senior Attorney; International Affairs & Legal Policy, AGC-7, Washington, DC, dated November 15, 2000

SUBJECT: Taiwanese Pilot Certificates Used for U.S. Pilot Certificates

You have asked whether Taiwanese pilot certificates may be used for applying for a U.S. airline transport pilot certificate under § 61.153(d)(3) or a private pilot certificate under § 61.75(a) of the Federal Aviation Regulations.

Both regulations allow for the issuance of an FAA pilot certificate to a person who holds a current foreign pilot certificate issued by a contracting State to the Chicago Convention. Such contracting States are required to comply with the minimum licensing requirements found in Annex 1 to the Chicago Convention, unless they file a difference with ICAO. These two FAA rules make reference to a contracting State to the Chicago Convention to ensure that a foreign pilot, making a request for an FAA certificate on the basis of his or her foreign certificate, has been certificated to the minimum international standards found in Annex 1.

The FAA has long taken for granted that the contracting States to the Chicago Convention (185 States to date) meet their international obligations, particularly with respect to licensing. On the other hand, the FAA, in the past, could not be sure of the licensing standards followed by States that were not contracting States to the Chicago Convention (of which there are only a handful). In the past several years, however, the FAA has assessed the safety oversight capabilities of many States, both contracting States and non-contracting States.

As a result of these assessments, the FAA has found that some contracting States do not meet their international obligations, particularly with respect to the licensing requirements in Annex 1. Consequently, the FAA has had to take certain actions with respect to the operators from such States. In addition, the FAA has assessed some non-contracting States and found that those States meet the international standards found in Annex 1. The FAA has allowed operators from such States to continue operations into the United States, recognizing that their pilots are certificated in accordance with the minimum international standards, even though they are from non-contracting States.

Of course, the FAA realizes that some States are prohibited for political reasons from becoming contracting States to the Chicago Convention. Taiwan is such a State. Nevertheless, the FAA has assessed the safety oversight capabilities of Taiwan's Civil Aviation Authority and has found that they meet international standards, including the licensing standards found in Annex 1. Consequently, even though Taiwan is not a contracting State to the Chicago Convention, the FAA has found that they meet ICAO standards and we treat them as we do any other contracting State that meets international standards.

Therefore, it is the opinion of this legal office that pilots licensed in Taiwan, or any other non-contracting State to the Chicago Convention that is found to meet the international standards found in Annex 1, shall be treated as if they were pilots licensed in a contracting State. This interpretation is consistent with the approach the FAA has taken for at least the last 10 years.

Jeffrey A. Klang
Senior Attorney
International Affairs & Legal Policy, AGC-7
{q&a-187}

QUESTION: I have a question regarding §61.153 in conjunction with a recent FAQ Posting. We have a former rated military aviator of the United States Air Force (departed the US Air Force over a year ago) and who has no civilian pilot certificates, and who wants to now take the ATP practical test based on his military experience. The FAR 61.153 addresses the eligibility requirements for the ATP certificate. Paragraph (d) states in part "...2) Meet the military experience requirements under 61.73 to qualify for a commercial pilot certificate..." Can this former rated military aviator who does not hold any FAA pilot certificates apply directly for an ATP certificate on the basis of prerequisite eligibility requirements of §61.153(d)(2)?

ANSWER: Ref. §61.153(d)(2); Yes, a former rated military aviator who does not hold any FAA pilot certificates may apply directly for an ATP certificate provided he meets ". . . the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States . . .". This is provided for by §61.153(d)(2).

And this probably should be understood without saying it; however, just to make sure that it is understood, former rated military aviators who apply directly for an ATP certificate on the basis of §61.153(d)(2) must also comply with the remaining prerequisite eligibility provisions of

§ 61.153 [i.e., paragraphs (a), (b), (c), (e), (f), (g), and (h)] in order to apply directly for an ATP certificate. And paragraph (e) of §61.153 is the provision that requires that an applicant for an ATP certificate to meet the appropriate aeronautical experience requirements of §§ 61.159, 61.161, 61.163, or 61.165, as appropriate.

This answer in similar in scope and content with an earlier answer (Q&A-398) that was provided in response to a question about former rated military aviators applying directly for a commercial pilot certificate. As I stated, in Q&A 398, ". . . In accordance with Title 14, CFR section 61.73(c)(2),. . . Present documentation showing that . . ." he was a rated military pilot on active flying status in an armed force of the United States [i.e. Title 14, CFR section 61.73(b)(3)(i)]. Otherwise, [former rated military aviator] need only have been a rated military pilot in an armed force of the United States at sometime in his life, but he/she just wasn't on active flying status within the preceding 12 calendar months prior to the month of application."

Yes, the FAA has made § 61.153(d)(2) an exception for ". . . a rated military pilot or former rated military pilot of an Armed Force of the United States . . ." to be able to apply directly for an ATP certificate.
{q&a-402}

QUESTION: An applicant holds a foreign commercial pilot license but does not hold an instrument rating from that country. This pilot holds a restricted U.S. private pilot certificate (issued on the basis of his British commercial pilot license in accordance with § 61.75). He also holds, on that restricted certificate, an Instrument-Airplane rating (U.S. Test Passed) earned in accordance with our part 61 with required instrument training and our knowledge and practical tests. May this pilot "mix & match" these certificates to meet the eligibility requirement of §61.153(d)(1) and/or (3) to make application for a U.S. ATP certificate?

ANSWER: Ref. § 61.153(d)(3); Yes. This has been acceptable policy within the Airman Certification Branch, AFS-700, Oklahoma City, OK, and they will accept applications with this ". . . mixing and matching of the two provisions" [i.e., § 61.153(d)(1) and (3)]. This policy has further been acknowledged as acceptable by the Manager of Certification Branch, AFS-840, Washington, DC. Because in this situation, the rationale for this policy is the applicant does hold a ". . . foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation." Even though the Instrument Airplane rating is on the U.S. private pilot certificate, the United States is a ". . . contracting State to the Convention on International Civil Aviation." So, in effect, this policy is not considered a mixing and matching of § 61.153(d)(1) and (3), but is purely acceptable under § 61.153(d)(3) alone.
{q&a-390}

QUESTION: We have received numerous calls asking whether or not an airman, applying for an initial ATP certificate, may take the practical test prior to reaching her 23d birthday. In researching the issue we have determined the following:

a. Current FAA Orders, including 8400.10, 8700.1 and 8710.3C contain both guidance and procedures to follow for administering an initial ATP to an individual who has not yet reached her 23d birthday. The practice is well known and has been done for ages.

According to Inspectors returning from Indoctrination training in OKC, this practice is now prohibited. However, there are no FSATs, HBATs, HBGAs, notices or Handbook revisions that reflect this pronouncement. Understandably, this is confusing for both Inspectors and the public.

b. Currently, 14 C.F.R. § 61.153 states in pertinent part: To be eligible for an airline transport pilot certificate, a person must- (a) Be at least 23 years of age.

This language has not changed, in lieu of the fact that the regulation was renumbered. (It was formerly §61.151).

ANSWER: Ref. §61.39(a)(5) and §61.153(a); The rule applies [i.e., §61.39(a)(5)]. An applicant for an ATP certificate MUST be 23 years of age to take the practical test. In fact, the language HAS changed. The eligibility requirements before August 4, 1997 in (OLD) §61.153 excepted the 23 year age requirement that was shown in (OLD) §61.151. This is no longer true and §61.39(a)(5) applies. As always, the CURRENT FARs apply, regardless of what FAA Order 8700.1 says. I realize FAA Order 8700.1 and some of the other pertinent FAA orders and bulletins may not be updated at this time, but again the FAR applies whenever there is a difference. It is a problem, and it's being worked on.
{q&a-301}

CORRECTION: In Q&A-171 we indicated that Yugoslavian pilots were not eligible for US Restricted certificates or Standard ATP certificates on the basis of Yugoslavian pilot licenses. This was incorrect information.

QUESTION: We have several foreign persons who have applied for a U.S. ATP pilot certificate under the provisions of §61.153(d)(3). These foreign persons hold pilot certificates from the former country of Yugoslavia. The country of Yugoslavia no longer exists. The former country of Yugoslavia is now broken up into: 1. Bosnia and Herzegovnina; 2. Croatia; 3. Macedonia; 4. Slovenia; 5. Kosovo; 6. Montenegro; and 7. Serbia

Are these foreign persons permitted to apply for a U.S. ATP pilot certificate on the basis of holding a Yugoslavian pilot certificate in accordance with §61.153(d)(3)?

And a follow-on question, are these foreign persons permitted to apply for a U.S. pilot certificate on the basis of holding a Yugoslavian pilot certificate in accordance with §61.75?

ANSWER: Ref. §61.75(a) and §61.153(d)(3) and FAA Order 8700.1, Volume II, page 29-1, paragraph 5.A and FAA Order 8710-3C, page 5-15, paragraph 53.A. **Yes**, a holder of a Yugoslavian pilot certificate may apply for a U.S. pilot certificate under §61.75(a) and §61.153(d)(3), as appropriate.

Specifically in FAA Order 8700.1, Volume II, page 29-1, paragraph 5.A and FAA Order 8710-3C, page 5-15, paragraph 53.A, it states:

> "Due to rapidly changing national boundaries and identities, an airman may present a pilot license issued by a country who geographical identity has changed. If the country was an ICAO member state under a different name at the time the valid license was issued, the ICAO status of the license is acceptable regardless of the country's change of identity and/or name."

The country of Yugoslavia was at one time an ICAO member state and was listed in the list of ICAO Member States in FAA Order 8700.1 on page 29-8 and 29-9.
{q&a-171}

QUESTION: Ref. §61.153(d)(3); There is an applicant for an ATP certificate who holds a British Basic Commercial Pilot Certificate with Airplane Multiengine Land rating and an Instrument Rating for Multiengine Airplanes. The applicant has 3,500 hours of total time and otherwise meets all the aeronautical experience requirements for applying for an U.S. ATP certificate [i.e., §61.159(a)]. The reason the applicant holds only a **"Basic"** Commercial Pilot Certificate is because of a deficiency in sight in his left eye which disqualifies him from holding a Class I medical license which is a prerequisite for applying for the British Commercial Pilot Certificate. I need clarification on whether an applicant who only holds a **"Basic"** Commercial Pilot Certificate meets the requirements of §61.153(d)(3), which states in pertinent part, " . . . or foreign commercial pilot license and an instrument rating, without limitations . . ." qualifies him for being able to make an application for an ATP practical test?

ANSWER: Ref. §61.153(d)(3); The applicant is entitled to make application for our U.S. ATP practical test. Where in §61.153(d)(3) where it states ". . . without limitations . . ." pertains to limitations where the pilot may not meet ICAO aeronautical experience standards and has a limitation on his/her pilot certificate, as in the case of some U.S. pilots [i.e., §61.159(d) ". . . "Holder does not meet the pilot in command aeronautical experience requirements of ICAO," as prescribed by Article 39 of the Convention on International Civil Aviation . . ."] As for the applicant, he holds a ". . . foreign commercial pilot license and an instrument rating . . ." as per §61.153(d)(3).

For the record, §61.153(d)(3) states:

> (3) Hold either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation.

{q&a-267}

QUESTION: §§61.153(d)(2) and 61.73(c); A former military (has been out of the U.S. Air Force for over 2 years) and is now seeking an Airline Transport Pilot certificate with an airplane multiengine land rating. He did not take advantage of obtaining a pilot certificate in accordance with §61.73 while he was in the military and he has now been off active flying status in the military for over 2 years. Can he apply directly for an ATP certificate in accordance with §61.153(d)(2) on the basis of being a former military pilot?

ANSWER: §61.73(c)(2); No, he may not apply directly for an ATP certificate. This former military pilot cannot comply with §61.73(c)(2), as in, ". . . (2) Present documentation showing that the applicant was, **before the beginning of the 12th calendar month before the month of application, a rated military pilot** as prescribed by paragraph (b)(3)(i) or paragraph (b)(3)(ii) of this section.

The former military pilot did not apply for an FAA pilot certificate within the time period permitted [as in §61.73(c)(2) ". . . before the beginning of the 12th calendar month before the month of application, a rated military pilot . . ."] So, this former military pilot may only use his military flight time to meet the aeronautical experience requirements of Part 61, but other than that he has to apply for his FAA pilot certificates just like any other non-military pilot. So first, he has to meet the required aeronautical experience requirements for Private Pilot Certification - §§61.103, 61.105, 61.107(a)(2), 61.109(b). Then next, he must meet the requirements for Commercial Pilot Certification - §§61.123, 61.125, 61.127(b)(2), and 61.129(b) and an Instrument Rating - §§61.65(a), (b), and (c) before he can even apply for an Airline Transport Pilot certificate with an airplane multiengine land rating. Otherwise, his aeronautical experience must show he has received the required ground and flight training for a private pilot certificate and then take the required knowledge and practical test for a private pilot certificate. Then his aeronautical experience must show he has received the required ground and flight training for a commercial pilot certificate and then take the required knowledge and practical test for a commercial pilot certificate. And also his aeronautical experience must show he has received the required ground and flight training for an instrument rating and then take the required knowledge and practical test for an instrument rating.

Some of you may argue that it is ridiculous to make a former military pilot obtain the private pilot certificate first, and then obtain the commercial pilot certificate with an instrument rating before applying for an Airline Transport Pilot certificate with an airplane multiengine land rating. Section 61.73(c)(2) affords this relief to military pilots and former military pilots that were rated military pilots ". . . before the beginning of the 12th calendar month before the month of application . . ." Otherwise, the applicant was a rated military pilot within the past year before the month of application.

For the sake of argument, do you believe it is reasonable for a person who is a former military pilot during the World War II era to now come in and apply for an Airplane Transport Pilot Certificate in accordance with §61.73 some 50 years after he or she last flew an airplane in the military??? How about if it was only 40 years ago? How about if it was only 30 years ago? How about if it was only 5 years ago? I think you see what I am saying here. Anyway, §61.73 is only afforded to applicants who were rated military pilots ". . . before the beginning of the 12th calendar month before the month of application . . ."

The relief afforded military pilots and former military pilots by §61.73 recognizes the value of military flight training and aeronautical experience. However, military pilots who have not been involved in the military flight program, with all of its continuing training, proficiency flying, and evaluations for a period of 12 months or longer may not continue to retain a level of knowledge or skill equivalent to that of a private or commercial pilot. Therefore, it is necessary that former military pilots who have exceeded 12 calendar months [i.e., §61.73(c)(2)] since being assigned on military flying status complete the required training, knowledge tests, and practical tests.

{q&a-153}

QUESTION: Our office received a call from one of our examiners that basically asked: A pilot has a Commercial Certificate with ASEL & Instrument Airplane ratings. Is he eligible to take an ATP checkride for an AMEL class rating?

ANSWER: In answer to your question, review §61.153(d)(1). It doesn't require him to hold a Commercial Pilot Certificate with an multiengine rating. It says a "Commercial Pilot Certificate and an instrument rating."

QUESTION: Secondarily, if eligible, would this circumstance require an endorsement from a CFI on the 8710?

ANSWER: Your second question, no it does not require a flight instructor's endorsement on FAA Form 8710-1. The only endorsement is addressed in §61.157(b)(2) and that says "logbook endorsement."

{q&a-32}

QUESTION: Last week I received a call from the BHM FSDO concerning a Saudi Arabian citizen who holds a Saudi Arabian Commercial Pilot license with a Helicopter and Instrument-Helicopter ratings. He is wanting to make application for a U.S. ATP certificate with a Rotorcraft-Helicopter rating. However, after inspecting his Saudi Arabian Commercial Pilot license, I find the license has an expiration date and it has expired. Basically, all he needs to do is accomplish a medical re-certification and the Saudi Arabian aviation authority will re-issue him a current and valid Commercial Pilot License. However, is it permissible for this applicant to make application for a practical test for a U.S. ATP certificate with a Rotorcraft-Helicopter rating, when this applicant's Saudi Arabian license has expired? Should he be required to update his medical re-certification and then be allowed to apply for a practical test for a U.S. ATP certificate with a Rotorcraft-Helicopter rating?

ANSWER: Ref. § 61.153(d)(3); The applicant may make application for a practical test for a U.S. ATP certificate with a Rotorcraft-Helicopter rating, even thought the applicant's Saudi Arabian license has expired.

The way § 61.153(d)(3) is worded [i.e., ". . . (3) Hold either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating . . ."] doesn't specify whether the license needs to be current or not. In fact, in a past court case in the Eastern Region, an NTSB law judge ruled in an exact, same case that since the FAA's rules do not specifically state that the foreign license has to be current the FAA cannot enforce the requirement of currency without changing the rule. The NTSB law judge ruled that even though the foreign person's license had expired, he is still in compliance with § 61.153(d)(3) because he does "**hold** . . . foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation."

However, I have been instructed to change § 61.153(d)(3) and a notice of proposed rulemaking is being prepared to change that rule. This notice of proposed rulemaking intends to revise not only § 61.153(d)(3), but will contain many other kinds of refining changes throughout Part 61.

{q&a-84}

QUESTION 12: Situation is that I have a military pilot, who is eligible for applying for an ATP certificate in accordance with §61.153(d)(2). However, the applicant does not hold a commercial pilot certificate nor has the military pilot ever taken the military comp knowledge test. Does the applicant have to take and pass the military comp knowledge test first before taking the ATP knowledge test?

ANSWER 12: No the military pilot does not need to take and pass the military comp test first. Just like §61.153(d)(2) says:

"(d) Meet at least one of the following requirements:

* * * * *

(2) Meet the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or"

In this situation, the military pilot only needs to take and passes the ATP knowledge test and then pass the ATP practical test.

{q&a-73}

QUESTION 5: Given: pilot holds Commercial certificate - helicopter and has Private pilot privileges in airplane SEL & instrument airplane. The pilot wants to apply for an ATP in SEL. Is the pilot eligible in spite of never having been tested in airplane commercial maneuvers -- lazy 8, etc.?

ANSWER 5: YES, per 61.153(d)(1), but the applicant must meet all the appropriate experience requirements of 61.159 for category and class.

{q&a-60}

QUESTION: An airman has asked if he can take the ATP knowledge test without a commercial/instrument certificate. I've reviewed 61.153, 61.155, 61.35, and the preambles (61-102 & 61-103) and it is not clear to me.

ANSWER: There is no eligibility prerequisites for the ATP knowledge test other than age, which is addressed in §61.35. For the ATP knowledge test, there is NO endorsement requirement. Let the person take the knowledge test.

{q&a-58}

61.157

QUESTION: A pilot comes to FlightSafety and does not qualify for a 100% simulator ride, which would result in a clean certificate under 14 CFR §§ 61.63(e)(4)(ii) and 61.157(g)(3)(ii).

Therefore he or she completes the 100% ride in a simulator and receives the rating or certificate with rating, with the 15 or 25 hour SOE limitation. Let's say it is in a CE-500.

The person in question then does not fly the required 15 or 25 hours of SOE to remove the restrictions but rather goes through another 100% simulator turbojet type rating course. Let's say a CE-650. Again the person does not meet the requirements for the 100% check except this time he or she produces the CE-500 type rating with the SOE limitation and suggests that he now qualifies for the 100% check under 14 CFR § 61.63(e)(4)(ii)(A).

The question is, does the applicant actually qualify to take the 100% check in a simulator, and then receive a clean CE-650 type rating (meaning without any S.O.E limitations)? If the answer is yes, they could then go back and take a CE-500 recurrent or if all of this was done within 60 days of completion of the original CE-500 training course just take another CE-500 checkride and have both types clean (meaning without any S.O.E limitations).

I know I have asked this question before and the answer was no. This is circumventing the intent of the regulation. The question has reappeared and I cannot put my hands on anything in writing. Can you help?

An additional fact is that AFS 200 has ruled that because of the wording in 14 CFR §135.338(c) a person with a type rating with SOE limitation may not instruct in Part 135.

This is creating a problem for FSI since they are having a problem getting the SOE removed. It is easier, (and I think cheaper) for them to just send a person through the second type rating course.

I have looked in the bulletins but if I missed it forgive me. I don't think there is anything written on it and if not I would suggest it might qualify for a bulletin in FAA Order 8700.

ANSWER: Ref. §§ 61.63(e)(4)(ii)(A) and 61.157(g)(3)(ii)(A). The intent of ". . . Hold a type rating for a turbojet airplane of the same class of airplane for which the type rating is sought . . ." in subparagraph (A) in §§61.63(e)(4)(ii) and subparagraph (A) in 61.157(g)(3)(ii) requires that the type rating be clean (meaning without any S.O.E limitations). The applicant does not qualify under §§ 61.63(e)(4)(ii)(A) or under 61.157(g)(3)(ii)(A) to take a 100% practical test in a simulator for the CE-650 type rating.
{q&a-399}

QUESTION: Situation, I have new PIC applicant for a Part 135 air taxi operator wanting to take his PIC check (i.e., §135.293 and §135.297) in a PA31 (Piper Navajo) and he wants to have an FAA Inspector on board to do a combined Part 135 check and ATP practical test. However, the company is opposed to performing Area of Operation IV, task C (i.e., Powerplant Failure-Multiengine Airplane) which requires for ATP certification that one engine to be ". . . feathered and unfeathered while airborne . . ." The company claims that §61.157(j) permits the examiner to pick and choose what tasks to be performed. As per §61.157(j) states, in pertinent part, ". . . the examiner who conducts the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority."

ANSWER: Ref. §61.43(a)(1) and §61.157(j); The applicant MUST ". . . Perform the tasks specified in the areas of operation for the certificate or rating sought within the approved

standards . . ." [as per §61.43(a)(1)]. However, if there is some waiver authority, as is the case as specifically provided for in Part 121, Appendix F for §121.441 checks, then that provision would apply. But in this situation, the PIC is applying for an ATP check in combination with a §135.293 and §135.297 check and there is no waiver authority contained in Part 135 for this task, so §61.43(a)(1) applies and that means the PTS applies.

This answer goes along with a similar asked question and answer [i.e., Q&A 79] that addressed a similar Part 121 question on circling approaches. In that answer, it was stated:

> "Withstanding the loss of Appendix A, Part 61 now recognizes the §121.441 proficiency check as being creditable for the ATP certificate and added ratings to the certificate. Therefore Part 121, Appendix F provides the requirements for the check. Appendix F also provides the guidance for waiver authority. For all Maneuvers/Procedures that can be waived, Appendix E nevertheless requires training to proficiency."
>
> "The circling approach is unique because training and checking is not required if the certificate holders manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility).
> If the maneuver is flown to weather minimums below 1,000' and 3 statute miles, the training is required and must be checked IAW Appendix F. For crewmembers qualified to fly the circling maneuver below 1,000' and 3 statute miles, the maneuver can be waived if local conditions beyond the control of the pilot prevent the maneuver. However the maneuver must be checked during the next proficiency check."

{q&a-300}

QUESTION: Which rule applies during the initial proficiency check (PC) check for a PIC in Part 121, the one permitting failures and additional training during the check? Or the one calling for no failures in any area of operation?

BACKGROUND: 14 CFR section 61.157(f) allows a successful PC check under Part 121 or Part 135 to meet the requirements for a type rating, given that all required maneuvers are completed [successfully].

§ 61.43 states that the applicant for a type rating must demonstrate mastery of the aircraft with the successful outcome of each task performed never seriously in doubt; and that if an applicant fails any area of operation, that applicant fails the practical test.

§ 121.441(e), on the other hand, provides that during a PC check, if the pilot being tested fails any of the required maneuvers, the check airman has the authority to discontinue the check, give additional training, and begin the check again.

DISCUSSION: The more permissive language in Part 121 usually applies to PC checks. However, in Part 121 the initial PC check for a PIC is unique in that two testing processes are combined. One of those testing processes is to determine the pilot's qualification in respect to an FAA-approved air carrier pilot training program. The other testing process is to determine the pilot's qualification in respect to the Administrator's certification requirements. Note that the PIC applicant undergoing an initial PC check has just completed ground and flight training; and

the applicant's instructor(s) have certified that training is complete and that the applicant is ready to take the practical test for the certificate.

ANSWER: It depends on whether or not certification activity is involved.

(1). In a Part 121 initial PC check for a PIC, in which certification activity occurs, § 61.43 applies, and no training is permitted during the check. The initial § 135.293 check for a PIC is also subject to § 61.43, and the PTS as well, permitting no training during the practical test.

(2). In any other PC check in Part 121, § 121.441(e) applies, and training is permitted during the check. [FAA policy is that a maximum of two failed tasks and two interruptions for training are permissible, provided that each interruption addresses a separate failed task.] By FAA policy, other checks conducted under § 135.293 and § 135.297 (i.e., checks not including certification activity) may be treated in the same manner as corresponding checks conducted under § 121.441(e), and limited training is permitted during the check.

REFERENCE: See HBAT 98-19, Air Carrier Pilot Certification Checks, paragraph 3.D.(3) {q&a-252}

QUESTION 1: The situation is an applicant wants a DC-3 type rating. The DC-3 airplane that the person wants to use for the practical test is not capable of instrument flight. As for example, the airplane does not have the capability of performing a precision instrument approach because it lacks the ILS equipment. Can the applicant perform the practical test in this DC-3 airplane for seeking an ATP certificate with an airplane multiengine land rating and a DC-3 type rating?

ANSWER 1: NO, Ref. §61.157(b)(3); you cannot perform the practical test to OBTAIN an ATP certificate in the airplane described because the aircraft's type certificate must be the reason for what ". . . makes the aircraft incapable of operating under instrument flight rules. . ." §61.157(b)(3) states:

> (3) Must perform the practical test in actual or simulated instrument conditions, unless the practical test cannot be accomplished under instrument flight rules because the **aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules**. If the practical test cannot be accomplished for this reason, the person may obtain a type rating limited to "VFR only." The "VFR only" limitation may be removed for that aircraft type when the person passes the practical test under instrument flight rules.

However, you can take the practical test at the commercial or private pilot certificate level, because of how §61.63(h) reads. The reason the applicant can perform the practical test at the private or commercial pilot level is because the airplane ". . . is not capable of the instrument maneuvers and procedures required by the appropriate requirements contained in §61.157 of this part." Section 61.63(h) states:

> (h) Aircraft not capable of instrument maneuvers and procedures. **An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and**

procedures required by the appropriate requirements contained in § 61.157 of this part for the practical test may--
(1) Obtain a type rating limited to "VFR only"; and
(2) Remove the "VFR only" limitation for each aircraft type in which the applicant demonstrates compliance with the appropriate instrument requirements contained in § 61.157 or § 61.73 of this part.

Notice the difference in the wording of §61.63(h) vs. §61.157(b)(3):

§61.63(h): ". . . applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures . . ."

vs.

§61.157(b)(3): ". . . aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules . . ."

QUESTION 2: An applicant is applying for an ATP certificate with an airplane multiengine land rating. The person currently holds the following certificate and ratings:

Commercial Pilot
Airplane Single and Multiengine Land
DC-3 (Limited to VFR)

This person satisfactorily accomplishes the ATP practical test in a Cessna 402. What will the person's ATP certificate read like?

ANSWER 2: Ref. §61.157(d); The certificate will read as follows:

Airline Transport Pilot
Airplane Multiengine Land
DC3 (Limited to VFR)
Commercial Pilot Privileges
Airplane Single Engine Land

§61.157(d) reads as follows:

(d) Upgrading type ratings. Any type rating(s) on the pilot certificate of an applicant who successfully completes an airline transport pilot practical test shall be included on the airline transport pilot certificate with the privileges and limitations of the airline transport pilot certificate, provided the applicant passes the practical test in the same category and class of aircraft for which the applicant holds the type rating(s). However, if a type rating for that category and class of aircraft on the superseded pilot certificate is limited to VFR, that limitation shall be carried forward to the person's airline transport pilot certificate level.

QUESTION 3: A person holds the following certificate and ratings:

Airline Transport Pilot
Airplane Multiengine Land
DC-3 (Limited to VFR)

Can the person perform a §61.58 check in a DC-3 that is not capable of the instrument maneuvers and procedures?

ANSWER 3: Ref. §61.58(d)(1); The rule does not prevent it.

QUESTION 4: Similar question, but slightly different in that a person holds the following certificate and ratings:

Airline Transport Pilot
Airplane Multiengine Land
DC-3
Commercial Privileges
Airplane Single Engine Land

In this question, the person holds a DC-3 type rating at the ATP level and it was earned by accomplishing the practical test by performing the required instrument maneuvers and procedures. The situation is the person has to perform a §61.58 check in a DC-3 that is not capable of performing instrument maneuvers and procedures. The only DC-3 airplane the person has access to lacks the ILS equipment. Can the person perform a §61.58 check in a DC-3 that is not capable of the instrument maneuvers and procedures?

ANSWER 4: Ref. §61.58(d)(1); The rule does not prevent it. However, the PPE would need to limit the applicant to VFR only by making that limitation known in the person's logbook and on the practical test results record.

QUESTION 5: An applicant is applying for a DC3 type rating in a DC3 airplane that is ". . . not capable of the instrument maneuvers and procedures . . ." The person currently holds the following certificate and ratings:

Airline Transport Pilot
Airplane Multiengine Land
B737

Can this person take the practical test and add that rating at the ATP level? What will the person's ATP certificate read like?

ANSWER 5: Ref. §61.63(h); Yes, because the applicant is not attempting to obtain his <u>INITIAL</u> <u>ATP</u> <u>certificate</u> and rating practical test in an aircraft that is not capable of instrument maneuvers and procedures. The certificate will read as follows:

Airline Transport Pilot
Airplane Multiengine Land
B737, DC-3 (Limited to VFR)

Section 61.63(h) states:

(h) Aircraft not capable of instrument maneuvers and procedures. **An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures** required by the appropriate requirements contained in § 61.157 of this part for the practical test may--
(1) Obtain a type rating limited to "VFR only"; and
(2)Remove the "VFR only" limitation for each aircraft type in which the applicant demonstrates compliance with the appropriate instrument requirements contained in § 61.157 or § 61.73 of this part.
{q&a-144}

QUESTION: Reference 61.157(f). There is suddenly a huge dispute about the required maneuvers for an ATP/Type Rating candidate employed by a 121 carrier.

The former Part 61 appendix A allowed individuals who are employed by 121 carriers to obtain type ratings without doing circling approaches if the carrier does not do them. Additionally, FAA Order 8400.1, Volume 5 expands these waiver provisions to allow a number of other maneuvers to be waived if the carrier does not train/conduct them.

The simple question is, are they required now, after decades of not being required, or not?

ANSWER: As you know from our last meeting John, a joint general, commercial, and air carrier handbook bulletin is to be issued shortly on this subject and help all who labor under the demise of CFR 14 Part 61, Appendix A.

Withstanding the loss of Appendix A, Part 61 now recognizes the 121.441 proficiency check as being creditable for the ATP certificate and added ratings to the certificate. Therefore Part 121, Appendix F provides the requirements for the check. Appendix F also provides the guidance for waiver authority. For all Maneuvers/Procedures that can be waived, Appendix E nevertheless requires training to proficiency.

The circling approach is unique because training and checking is not required if the certificate holders manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility). If the maneuver is flown to weather minimums below 1,000' and 3 statute miles, the training is required and must be checked IAW Appendix F. For crewmembers qualified to fly the circling maneuver below 1,000' and 3 statute miles, the maneuver can be waived if local condition beyond the control of the pilot prevent the maneuver. However the maneuver must be checked during the next proficiency check.
Author: Jan Demuth at AFS200
{q&a-79}

QUESTION: In the old Part 61, Part 121 pilots were permitted to accomplish ATP/type rating checks in flight simulators. The new §61.157(g)(2) seems to prevent it? How do we deal with the strict criteria identified in §61.157(g)(2) or can we get around it? Are the use of flight simulators in the new Part 61 only permitted through the use of Part 142 training centers?

The new §61.157(g)(2) states:

(2) The flight simulator and flight training device must be used in accordance with an approved course at a training center certificated under part 142 of this chapter.

ANSWER: Approval and use of flight simulators and flight training devices for part 121 pilots are approved under Part 121. Approval of flight training devices and flight simulators for Part 121 air carrier pilot's are approved under §121.407 and authority for there use is addressed in §121.409. In enforcing §61.157, only paragraph (f) really apply to part 121 and part 135 pilots. The remainder of §61.157 only applies to those pilots not in an approved air carrier training and testing programs. We agree we could have written it better, and in the next correction document that will be coming out in December, we have made myself a note to revise §61.157(g)(2).
{q&a-39}

QUESTION: Many part 121 air carriers do not train their pilots for IMC circling approaches and therefore the operation specifications do not allow them to accomplish them. Under the old Part 61 of Appendix A, there were provisions to waive the circling approach. However after August 4, 1997 under the new rules Appendix A of Part 61 is eliminated and the PTS doesn't make provisions for waiving the circling approach. Will the new Part 61 in effect require circling approaches?

ANSWER: In answer to your question, air carrier pilots who do not have circling approaches on their op spec's are not required to be trained or tested on circling approaches.

§61.157(j) states: (j) Waiver authority. Unless the Administrator requires certain or all tasks to be performed, the examiner who conducts the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority.

Appendix E [i.e., III(n) after (3)] of Part 121 states, in pertinent part, "Training in the circling approach maneuver is **not required** for a pilot employed by a certificate holder subject to the operating rules of Part 121 of this chapter if the certificate holder's manual prohibits . . . ."

Appendix F [i.e.,III, (d)] of Part 121 states, in pertinent part, "(d) Circling approaches. If the circling approach is approved for circling minimums . . ." And in Appendix F, circling approaches are notated with a waiver authority of §121.441(d).

§121.441(d) states, in pertinent part, "A person giving a proficiency check may, in his discretion, waive any of the maneuvers or procedures for which a specific waiver authority is set forth in appendix F to this part if . . . ."

This answer comes via Tom Toula, Manager AFS-210
{q&a-39}

QUESTION: We have done no-flap landings in Lears and other T cat aircraft for years in accordance with the PTS. Are we going to stop doing them in ALL T cat aircraft? What if we do the entire test in the aircraft? Do we now have additional waiver authority that has not been granted any where else?

ANSWER: We keep getting asked questions on this subject or similar matters on this very same subject.

If Order 8400.10 forbids no flap landings, then in accordance with §61.157(j) which states:

"(j) Waiver authority. Unless the Administrator requires certain or all tasks to be performed, the examiner who conducts the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority."

Is there something wrong with the way this rule, §61.157(j), is being understood by you all?

If Order 8400.10 directs that no flap landings shall not be attempted in T Category airplanes, then "the examiner who conducts the practical test for an airline transport certificate may waive any of the tasks . . .," JUST LIKE IT SAYS IN §61.157(j).
{q&a-70}

61.159

QUESTION: I am hopeful you can provide assistance concerning a question that arose regarding first officers at Mesaba Airlines who are about to upgrade to Captain but who do not have the PIC requirements for the ATP Airplane Certficate [as per §61.159(a)(4)]. As you know, this rule provides credit for time as SIC performing the duties of pilot in command while under the supervision of a pilot in command. However, this credit provision is not clearly described in the rule nor have I been able to find supporting documentation that can help clarify the application of the rule in Mesaba's case.

What is the definition of "SIC performing the duties of pilot in command" in an aircraft requiring a type rating and seat specific functions that can only be performed on the PIC's (captain's) side of the aircraft?

How would this definition apply to first officers in the SF-340 flying under FAR 121 who fly in the right seat of an aircraft with seat dependent tasks? The SF-340 requires seat dependent training and normally the airline would not provide left seat dependent training to an FO who sits in the right seat. The FO cannot perform all the duties of the captain (PIC) from the right seat of the SF-340 (one example, operating the tiller during taxi).

How does the SIC document this experience so that an examiner reviewing the log books of an applicant can determine the time which may be credited toward the PIC requirements of §61.159(a)(4)?

Certainly at Mesaba the FO is responsible for more than switching radio frequencies, copying clearances, and reading checklists. If that is all they were required to do we could certainly shorten the job aid for the SIC proficiency check under 121! As you are aware, flying

(manipulating the controls) is not just a PIC duty, it is also a required SIC duty with it's own set of proficiency check standards.

Mesaba Airline currently has several individuals who are coming up for upgrade from SIC to PIC in the SF-340 and the Mesaba CMU must provide a clear answer as to the disposition of these candidates. In one instance the pilots would need no further flight experience and currently meet the PIC requirements by crediting SIC experience while sole manipulator of the controls or autopilot.

Since Mesaba does not train in the actual aircraft the only feasible alternative to this second situation is for the company to provide the SIC necessary simulator training to obtain the SF-340 type rating and retain the SIC in the right seat (FO position) until he/she accumulates minimum PIC requirements logging time while ACTING as SIC but controlling the aircraft (legally logged PIC flight time).

Mesaba does not conduct any type of formal training of first officers to prepare them as captains during revenue operations. Also, they do not conduct any flight training in the SF-340 in preparation for upgrade to captain.
All formal training is accomplished in approved simulators under Appendix H.

How this issue is resolved should not in any way affect training of a first officer rather the issue is simply whether any part of flight time accumulated in revenue operations by a first officer (not rated in the aircraft) can be credited toward the PIC flight experience requirements of FAR 61.159(a)(4). That does require a definition of "SIC performing the duties of a pilot-in-command." but only as it applies to this credit.

In essence, the questions pertain to the phrase ". . . or as second in command performing the duties of pilot in command while under the supervision of a pilot in command, or any combination thereof . . ." in § 61.159(a)(4).

ANSWER: Ref. § 61.159(a)(4); In answering these questions below, I am going to preference my answers by saying that in all the FARs, there has to be an acceptance that most pilots are going to be honest. It is a fact that most of our rules are based on pilots being agreeable to operate in good faith and in compliance with the FARs and are people of integrity. And I believe I am safe in saying that there are very, very few fraud enforcement cases in comparison to the pilot population at large, that most of our pilot population are honest and are people of integrity (and even our legal data base would prove this to be true).

We all have to exercise common sense here. The FAA hires ASIs and during the screening process it attempts to find those ASIs who it thinks will and have demonstrated a proven ability to exercise common sense. Emphasis added COMMON SENSE. And again, I say that in all the FARs, there has to be an acceptance that most pilots are honest and are going to be honest.

QUESTION 1: What is the FAA's policy on the intent of the phrase ". . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." in § 61.159(a)(4)?

ANSWER 1: Ref. § 61.159(a)(4); The intent of the phrase ". . . second in command performing the duties of pilot in command . . ." means controlling the airplane (e.g., has his hands on the controls, controlling the autopilot system, being the flying pilot for that leg of the flight). Otherwise, he/she is the one who is actually controlling the airplane and the flight. When a pilot is the ". . . second in command performing the duties of pilot in command . . .", I would expect that pilot to **ACT** like he/she is the final authority and is responsible for the operation and safety of the flight.

QUESTION 2: What would the FAA expect to see as proof to verify that the time was honest ". . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." in § 61.159(a)(4)?

ANSWER 2: Ref. § 61.159(a)(4); The SIC should have the real PIC endorse each entry in his/her logbook or training record when ". . . performing the duties of pilot in command . . ." as follows:

Recommended Endorsement: "Performed duties as a supervised PIC in accordance with FAR 61.159(a)(4)"

John T. Realpic, ATP #123456789

QUESTION 3: How is a pilot supposed to act when performing as " . . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." in § 61.159(a)(4)?

ANSWER 3: Ref. § 61.159(a)(4); When an SIC is performing ". . . the duties of pilot in command while under the supervision of a pilot in command while under the supervision of a pilot in command. . ." that SIC should be:

a. Controlling the aircraft by the use of controls or the autopilot system for a given leg of the flight (i.e., directs/monitors the flight route) from takeoff through landing, otherwise ACTS like the Captain!

b. Acting like he/she is the final authority responsible for the operations and safety of the flight, otherwise ACTS like the Captain!

c. Supervising the work of the flight crewmembers, otherwise ACTS like the Captain!

d. Conduct and initiating the appropriate crewmember briefing throughout the flight, otherwise ACTS like the Captain!

e. Reviewing all conditions and data necessary for the flight release (i.e., dispatch, weather, weight and balance, fuel requirements, destination requirements, alternate requirements, and routing, etc.), otherwise ACTS like the Captain!

In essence, we would expect the pilot who is the ". . . second in command performing the duties of pilot in

command . . ." to supervise and work within the crew concept in being responsible for obtaining, reviewing, and determining the flight's dispatch, weather, weight and balance calculations, fuel requirements, destination and alternates, and routing. We would expect the pilot to brief his/her crew. We would expect the pilot to work within the crew concept in checking and monitoring the takeoff procedures and numbers. We would expect the pilot to be able to determine that the airplane is operating normally before takeoff and requires his/her crew to follow proper, standardized procedures. We would expect the pilot to work within the crew concept in getting the takeoff clearance and comply with air traffic control clearances. We would expect the pilot to be at the controls on takeoff, departure, arrival, approach, and landing. We would expect the pilot to insure the aircraft follows the precise routing as provided in an assigned air traffic control clearance. We would expect the pilot to be the responsible pilot for monitoring/supervising the input of data into the flight management systems and/or autopilot systems throughout the flight. We would expect to see the pilot to be the responsible pilot for establishing the tempo of the flight by insuring that his or her flight deck remains standardized and professional throughout. We would expect the pilot to be the pilot at the controls for landings. We would expect to see the pilot to ACT like the senior pilot who supervises his/her crew, passengers, and cargo. Otherwise, We would expect the pilot who is the ". . . second in command performing the duties of pilot in command while under the supervision of a pilot in command. . ." to ACT like the Captain.

QUESTION 4: What crewmember seat is a pilot required to be seated in (i.e., left or right or does it make any difference) when performing as " . . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." in § 61.159(a)(4)?

ANSWER 4: Ref. § 61.159(a)(4); The seat the SIC sits in is irrelevant. The SIC may be seated in the right seat performing right seat dependant tasks, or the left seat performing left seat dependant tasks, and still this time ". . . second in command performing the duties of pilot in command . . ." would be creditable. That is, provided the SIC ACTS like the Captain! No place in the FARs does it require the PIC to be located in the left seat. However, in a Part 121 or Part 135 operation, it would be the norm that the SIC who is only ". . . performing the duties of pilot in command while under the supervision of a pilot in command . . ." would most likely be seated in the right seat. I doubt there are any air carrier operators who would allow their SIC to be in the left seat! And I doubt there are any PICs who would allow their SIC to be seated in the left seat!

QUESTION 5: Does the pilot need be type rated in that type of airplane in order for the time to be creditable as ". . . second in command performing the duties of pilot in command . . ." in § 61.159(a)(4)?

ANSWER 5: Ref. § 61.159(a)(4); The pilot need not be type rated in that type of airplane in order for the time to be creditable as ". . . second in command performing the duties of pilot in command . . ." No place in the FARs does it require the pilot be type rated for the time to be creditable under §61.159(a)(4). It merely states " . . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ."

QUESTION 6: How would the pilot log the time when the pilot is the " . . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." in § 61.159(a)(4)?

ANSWER 6: Ref. § 61.159(a)(4); As for how the time would or could be logged, that time would still only be able to be logged as SIC time.

As shown in answer 2 above, the SIC should have the real PIC would endorse each entry in his/her logbook or training record as follows:

Recommended Endorsement: "Performed duties as a supervised PIC in accordance with FAR 61.159(a)(4)"

John T. Realpic, ATP #123456789

However as a point of clarification, if this SIC happens to hold a type rating appropriate to the aircraft flown or the appropriate category and class rating for the aircraft flown (otherwise when no type rating is required), that SIC may log the time as PIC time when that pilot ". . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . ." [i.e., §61.51(e)(1)(i)].

However, if the SIC doesn't hold the appropriate ratings, then the pilot would have the real PIC make the above endorsement and then when the SIC computes his/her time for meeting the requirements of §61.159(a)(4), that
" . . . second in command performing the duties of pilot in command while under the supervision of a pilot in command . . ." time would count toward the 250 hours.

QUESTION 7: Does the pilot need to be in any kind of a structured, formalized Part 121 or Part 135 training program in order for the time to be creditable as ". . . second in command performing the duties of pilot in command . . ."?

ANSWER 7: Ref. §61.159(a)(4); No. The pilot need not be in any kind of a structured, formalized training program in order for the time to be creditable as ". . . second in command performing the duties of pilot in command . . ." No place in §61.159(a)(4) does it require it nor was it ever intended.

Answered by: John D Lynch, Certification Branch, AFS-840 and Jan Demuth, Air Carrier Training Branch, AFS-210
{q&a-391}

QUESTION: What are the minimum aeronautical experience requirements to apply for an ATP certificate in the airplane category?

ANSWER: See 14 CFR Section §61.159. Briefly:
Total Time - 1,500 hours that includes--
A) 500 hours of X-C flying;
B) 100 hours of night time;
C) 75 hours of instrument time; and

D) 250 hours in an airplane as a PIC, or as SIC performing the duties of PIC, or any combination thereof, that includes at least--

1) 100 hours of X-C flying; and
2) 25 hours of night time.

{q&a-357}

QUESTION: I just took the ATP practical test last week with the following times: 1508 total time as a pilot, 570 hours of PIC time, 480 hours of SIC time, 587 hours of dual received/training time, 233 hours of nighttime, 204 hours of instrument time (e.g., 91 hours actual and 113 hours of hood time), and 1075 hours of cross country time.

The certificate I received bears the ICAO restriction. I asked the examiner about it and the explanation he gave seemed to indicate there is more to it than is evident in 61.159 (Article 39). I asked an inspector from our local FSDO about it and she said that once I upgrade to A/C in the military (KC-135) then they will take the restriction away when I have the B-707/720 type put on my certificate.

Should this restriction ever have been put there in the first place? It would seem not but I want to make sure I'm not missing anything. Does my status as a military copilot have anything to do with it or does the FAA only want to reissue the certificate one time? It's more of a technicality at this point since all it seems to prevent is the issuance of a foreign ATP based on my FAA certificate, which isn't a concern of mine right now. Any clarification you could offer would be most appreciated.

ANSWER: Ref. §61.159(d); As for §61.159(d), it has some erroneous wording. An NPRM has been drafted to correct the wording of §61.159(d).

What the intent of §61.159(d) is meant to say is an applicant may be issued an airline transport pilot certificate with the endorsement, "Holder does not meet the pilot in command aeronautical experience requirements of ICAO," as prescribed by Article 39 of the Convention on International Civil Aviation, provided that the person , per §61.159(d)(1),

> ". . . Credits second-in-command or flight-engineer time under paragraph (c) of this section toward the 1,500 hours total flight time requirement of paragraph (a) . . ."

and per §61.159(d)(2),

> "Does not have at least 1,200 hours of flight time as a pilot, including no more than 50 percent of his or her second-in-command time and none of his or her flight-engineer time . . ."

and per §61.159(d)(3),

> "Otherwise meets the requirements of paragraph (a) of this section . . ." which means the person's aeronautical experience must be at least that required by subparagraphs (1), (2), (3), (4), and (5) of §61.159(a).

In reviewing the applicant's time, the person claims to have: 1508 total time as a pilot, 570 hours of PIC time, 480 hours of SIC time, 587 hours of dual received/training time, 233 hours of nighttime, 204 hours of instrument time (e.g., 91 hours actual and 113 hours of hood time), and 1075 hours of cross country time.

So his total time exceeds the prerequisite eligibility requirement of §61.159(a) [i.e., "1500 hours of total time as a pilot"].

His PIC time exceeds the PIC time requirement of §61.159(a)(4) [i.e., "250 hours of flight time in an airplane as a pilot in command"].

His night time exceeds the night time prerequisite eligibility requirement of §61.159(a)(2) [i.e., "100 hours of night flight time"].

His instrument time exceeds the instrument flight time prerequisite eligibility requirement of §61.159(a)(3) [i.e., "75 hours of instrument flight time"].

His cross country time exceeds the cross country flight time prerequisite eligibility requirement of §61.159(a)(1) [i.e., 500 hours of cross country flight time].

And his total aeronautical experience does not indicate that it conflicts with §61.159(a)(5) [i.e., "Not more than 100 hours of the total aeronautical experience . . . may be obtained in a flight simulator or flight training device"].

Therefore, the person's ATP certificate should not have been issued with the ICAO limitation. He met all of the prerequisite eligibility requirements for the ATP certificate.
{q&a-342}

QUESTION 1: Is all SIC time, regardless of duties performed, creditable toward the 1500 total time requirement if it meets the criteria of §61.159(c)(1)(i), (ii), & (iii)?

ANSWER 1: Ref. §61.159(c) (1)(i), (ii), (iii); Not necessarily all SIC time and not exactly as you state. Note the word "or" at the end of 61.159(c)(1)(ii). At least one, but only one of the conditions 61.159 (c) (1) (i)or (ii) or (iii) must be met to be creditable. But, the pilot must be qualified to log the SIC time per §61.51(f).

QUESTION 2: Notwithstanding the separate requirements of §61.159(a)(4), is SIC time where the individual is NOT performing the duties of pilot in command while under the supervision of a pilot in command valid for meeting the requirements of §61.159(a)(1)(2)and (3) for the 500 hours cross country, 100 hours night, and 75 hours instrument requirement?

ANSWER 2: Ref. §61.159(a)(4); No. Such SIC time may only be used for meeting the 1500 hours of total time, provided it meets the requirement of 61.159(c) as stated in answer #1. SIC time must meet the §61.159(a)(4) requirement of ". . . performing the duties of pilot in command while under the supervision of a pilot in command . . . ." to be used to meet the requirements of §61.159(a)(1)(2)and (3) for the 500 hours cross country, 100 hours night, and 75

hours instrument as well as the ". . . 250 hours of flight time in an airplane as a pilot in command . . ." of §61.159(a)(4).
{q&a-341}

QUESTION: An airman wants to use second-in-command (SIC) time in which he was "NOT" performing the duties and functions of a pilot in command to meet the requirements of §61.159 (a)(1) 500 hours cross-country, (2) 100 hours night & (3) 75 hours instrument. You answered NO, to a similar question about using flight engineer time per §61.159 (c). My belief is that SIC time could only be used toward the 1,500 total time requirement and not the cross country, instrument or night time requirements, unless the SIC was actually performing the duties and functions of a PIC. Is this correct?

ANSWER: Ref. §61.159(a)(4) and (c); Your belief is correct. A person can only use that time when he is acting as SIC performing second-in-command duties such as switching radio frequencies, copying clearances, reading checklists, etc., toward the 1,500 total time requirement as long as the SIC time meets at least one of the requirements of §61.159(c)(1). Using such time could result in the limitation "Holder does not meet the pilot in command aeronautical experience requirements of ICAO" being applied.

Second-in-command time acquired while actually ". . . performing the duties of pilot in command while under the supervision of a pilot in command . . . ." as stated in §61.159(a)(4), could be used to meet the requirements of §61.159 (a)(1) 500 hours cross-country, (2) 100 hours night & (3) 75 hours instrument as appropriate and the 250 hour requirement of §61159(a)(4). The intent and meaning of the phrase ". . . performing the duties of pilot in command . . ." means the person must control the airplane (e.g., hands on the controls, or controlling the autopilot system as the flying pilot for that leg of the flight).
{q&a-337}

CORRECTION: An error in the original issuance of Q&A-172 indicated that all instrument instruction given by an instrument instructor in flight simulator/training device or PCATD could be used toward ATP requirements. This is not true.

QUESTION 1: If an applicant has 1,200 hour of flight time, and meets all the other requirements for the ATP certificate, (instrument time, cross-country time, night time etc.), can the applicant use the time they have accrued as an 'authorized instructor in a flight training device' (as per 61.1) towards the 300 hours still needed to fulfill the 1,500 hour requirement?

ANSWER 1: Ref. §§61.1(b)(12)(iii) & 61.159(a)(5); No, the aeronautical experience requirements listed in §61.159 require "flight time." The terms "pilot time" and "flight time" are not synonymous. A flight instructor who is merely serving as an authorized instructor sitting outside the compartment of an flight training device or at a console of a flight simulator, or instructing using a PCATD can NOT log this time as pilot time for the purpose of meeting the aeronautical experience requirements of §61.159(a) except in limited amounts as specifically allowed.

Now as per §61.159(a)(5), it does permit the crediting of ". . . Not more than 100 hours of the total aeronautical experience requirements of paragraph (a) of this section may be obtained in a

flight simulator or flight training device that represents an airplane, provided the aeronautical experience was obtained in an approved course conducted by a training center certificated under part 142 of this chapter . . ." Or as per §61.159(a)(3)(i) and (ii), you can log 25 or 50 hours, as appropriate, in a flight simulator or flight training device. But again, as per §61.159(a)(5), ". . . Not more than 100 hours of the total. . ." Most instructors will have acquired these credits as a part of their own training received rather than while giving training.

And as for the provisions contained in §61.1(b)(12)(iii):

> (12) Pilot time means that time in which a person--
> * * *
> (iii) Gives training as an authorized instructor in an aircraft, flight simulator, or flight training device.

The intent here is the instructor would need to occupy a pilot station. Never was the rule [i.e., §61.1(b)(12)(iii)] intended to permit the time to be logged while the instructor is sitting at some console or sitting on a chair outside the flight training device compartment.

QUESTION 2: How would this pilot time be entered on an FAA Form 8710-1?

ANSWER 2: Ref. §61.159(a)(5); And again, ". . . Not more than 100 hours of the total. . ." and it would be recorded in the boxes "Training Device" or "Simulator," as appropriate, on FAA Form 8710-1.

QUESTION 3: How much of this pilot time may be applied towards the ATP certificate?

ANSWER 3: Ref. §61.159(a)(5); ". . . Not more than 100 hours of the total. . ." Also, see answer 1 above for further explanation to this answer.
{q&a-172}

QUESTION: Am I missing something in §61.159 (a)(5) or does the 100 hour limit spoken of there apply only to "pilot time" logged under §61.1(b)(12)(ii) and not "pilot time" logged under §61.1(b)(12)(iii)?

I have a young lady working at FlightSafety International (FSI) that is pretty much in the exact situation with her "pilot time" as the person in Q&A # 172. I have repeatedly told FSI during quarterly stan meetings and in initial evaluator training to apply the 100 hour limit spoken of in §61.159(a)(5) to all "pilot time" logged in conjunction with FTDs or sims when qualifying an applicant for an ATP.

Your answer in Q&A # 172 would indicate that I am wrong. Can you help me out here and clarify this. When does and when does not the FAR §61.159(a)(5) 100 hour limit apply?

ANSWER: Ref. §61.159(a)(5); No, your answer to FSI is not wrong. The 100 hour limit in §61.159(a)(5) does apply to all "pilot time" logged in conjunction with FTDs or sims when qualifying an applicant for an ATP. As per §61.159(a)(5), ". . . Not more than 100 hours of

the total aeronautical experience requirements of paragraph (a) of this section may be obtained in a flight simulator or flight training device . . ."

My mistake may have been because I only answer the question that I believe is being asked of me. If the questions in Q&A 108 and 172 had asked me whether more than 100 hours of time as an authorized instructor in flight simulator or an FTD could be counted to meet the total aeronautical experience requirements of paragraph (a) of §61.159, I would've said NO. But that is not what I believed was being asked of me. Sometimes I have failed to fully understand the question being asked. However, I'm always grateful to the field ASIs who have caught my mistakes and further explained the question to me. Yes, I thank you all for helping me out.

Per §61.159(a)(5), it states in its entirety, as follows:

(5) Not more than 100 hours of the total aeronautical experience requirements of paragraph (a) of this section may be obtained in a flight simulator or flight training device that represents an airplane, provided the aeronautical experience was obtained in an approved course conducted by a training center certificated under part 142 of this chapter.

{q&a-275}

QUESTION: I have been asked whether a pilot may count simulator time received at *Simulator Company X* - (Gulfstream II, G-1159) toward the 1500-hour total time requirement under the provisions of FAR 61.159(a)(5). The time was obtained in March 1997, which I believe is prior to any FAR 142 certification dates. Can this time, which may have been obtained prior to FAR 142 certification, be considered to have been obtained under FAR 142 in order to take advantage of FAR 61.159(a)(5)?

ANSWER: No. Ref. §§61.159(a) and 61.1(b)(12)(ii); the applicant cannot be credited with 100 hours of pilot time for simulator time in *Simulator Company X's* simulators because *Simulator Company X* did not have an approved 142 course for the G-1159 at that time in March of 1997. In fact, *Simulator Company X* still does not have an approved Part 142 course for the G-1159. However, a portion of the time obtained in a flight simulator that was received from an authorized instructor may be creditable as pilot time; per §61.1(b)(12)(ii) which states:

(12) Pilot time means that time in which a person--

* * * * *

(ii) Receives training from an authorized instructor in an aircraft, flight simulator, or flight training device; or

(iii) Gives training as an authorized instructor in an aircraft, flight simulator, or flight training device.

and

a portion of the simulator time (i.e., 25 hours, 50 hours, or 100 hours, as appropriate) may be used because §61.159(a) states:

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a person who is applying for an airline transport pilot certificate with an airplane category and class rating must have at least **1,500 hours of total time as a pilot** that includes at least:

Section 61.159(a)(3)(i) and (ii) and (a)(5) limit the amount of pilot time that is permitted in a flight simulator or flight training device toward meeting the 1500 hours of pilot time. Normally, this limit is 25 hours when used toward the required 75 hours of instrument flight time per §61.159(a)(3)(i). If the simulator training was in an approved part 142 course and equipment, 50 hours may be used toward the required 75 hours of instrument flight time per §61.159(a)(3)(ii). And, by the way, where §61.159(a)(5) applies (training center) only 50 hours of the 100 allowed may be used to meet the §61.159(a)(3) instrument flight time as restricted by §61.159(a)(3)(ii). At least 25 hours instrument in flight must be acquired. The other 50 hours may be "other" training like emergencies, etc.
{q&a-196}

QUESTION: Is there a discrepancy about endorsements regarding ICAO experience requirements for ATP? There appears to be only one limitation regarding pilot-in-command time, but none regarding total flight experience.

The current reference to Aeronautical Experience, FAR 61.159, doesn't mention anything about PIC time concession with an ICAO endorsement like the "old" FAR 61.155(c) Aeronautical Experience which allowed an ATP applicant with less than 150 hours of PIC time to take the practical test but carry an endorsement that he doesn't meet ICAO PIC experience requirement.

The "old" FAR 61.155(e) also allowed an applicant other concessions regarding the total flight experience requirement with an endorsement that he doesn't meet the pilot experience (not Pilot-In-Command) requirement of ICAO. However, current FAR 61.159(d) continues the total pilot experience concessions that was stated in "old" FAR 61.155(e), but referees to Pilot-In-Command rather that just pilot time as stated in the "old" Reg.

ANSWER: Reference §61.159(d), it states:

(d) An applicant may be issued an airline transport pilot certificate with the endorsement, "Holder does not meet the pilot in command aeronautical experience requirements of ICAO," as prescribed by Article 39 of the Convention on International Civil Aviation, if the applicant:

(1) Credits second-in-command or flight-engineer time under paragraph (c) of this section toward the 1,500 hours total flight time requirement of paragraph (a) of this section;

(2) Does not have at least 1,200 hours of flight time as a pilot, including no more than 50 percent of his or her second-in-command time and none of his or her flight-engineer time; and

(3) Otherwise meets the requirements of paragraph (a) of this section.

Therefore, the verbiage of the new §61.159(d) applies. We have new requirements as of August 4, 1997 when the new Part 61 became effective. Disregard the old §61.155(e) because it is irrelevant.
{q&a-109}

QUESTION 5: Given: pilot holds Commercial certificate - helicopter and has Private pilot privileges in airplane SEL & instrument airplane. The pilot wants to apply for an ATP in

SEL. Is the pilot eligible in spite of never having been tested in airplane commercial maneuvers -- lazy 8, etc.?

ANSWER 5: **YES,** per 61.153(d)(1), but the applicant must meet all the appropriate experience requirements of 61.159 for category and class.
{q&a-60}

QUESTION 1: A professional flight engineer is seeking to qualify for an ATP certificate and wishes to use his flight engineer time for meeting at least 500 hours of the 1500 total time, as per §61.159(c)(2)(iv). His flight records indicate that he is permitted, in accordance with §61.159(c)(2)(iv), to credit 500 hours of flight engineer time for 500 hours of pilot time for the 1500 total time. But in a further review of his flight records, he shows only 200 hours of cross country time as a pilot and 37 hours of night time as a pilot. He also wants to use his flight engineer time toward meeting the 300 hours of cross country time as a pilot [i.e., §61.159(a)(1)] that he is short on and the 63 hours of night time as a pilot [i.e., §61.159(a)(2)] he is short on. Does §61.159(c)(2)(iv) permit it.

ANSWER 1: No; The 500 hours of flight engineer time CAN ONLY BE USED for meeting 500 hours of the 1500 total time of §61.159(a), as per §61.159(c)(2)(iv).
{q&a-75}

61.161

QUESTION: Can an applicant seeking an ATP Helicopter rating use 29 hours of instrument time that was logged in a flight simulator that is approved and represents a helicopter for meeting the ". . . 25 hours in helicopters as a pilot in command . . ." of §61.161(a)(4)? The applicant has no **flight** hours of instrument time in a helicopter.

ANSWER: Yes; The key provisions are shown in bold in excerpts of §61.161(b) and (b)(2):

(b) Training in a flight simulator or flight training device **may be credited toward the instrument flight time requirements of paragraph (a)(4)** of this section, subject to the following:
(1) Training in a flight simulator or a flight training device must be accomplished in a flight simulator or flight training device that represents a rotorcraft.
(2) Except as provided in paragraph (b)(3) of this section, an applicant **may receive credit for not more than a total of 25 hours of simulated instrument time** in a flight simulator and flight training device.

Some will argue that this rule, in effect, permits an applicant to apply for an ATP Certificate with a helicopter rating without ever flying 1 minute of instrument **flight** time in a helicopter in the clouds. Yes, you are absolutely 100% correct in your interpretation. The FAA's has a long standing position on the advantages and merits of flight simulation and has since 1984 wholeheartedly supported the use of flight simulation.
{q&a-80}

61.165

QUESTION: Is an applicant who holds an ATP certificate with ASEL and AMEL ratings required to perform the instrument tasks (i.e., Area of Operation III B. Instrument Takeoff and E. Instrument Departure, and Area of Operation V. Instrument Procedures, B. Landing from a Precision Approach, and D. Landing from a Circling Approach) of the ATP practical test to add the ASES rating at the ATP level? Particularly, "landing from a precision approach" presents a problem as we know of no location with an ILS to a sea base (water landing).

ANSWER: Ref. § 61.165(e)(1) and (4); Yes, a person seeking an additional ASES rating at the ATP certificate level must be tested on the instrument tasks per § 61.165(e)(4), ". . . applying for an airline transport certificate with an additional class rating . . . Pass a practical test on the areas of operation of § 61.157(e) appropriate to the aircraft rating sought." Yes, these include: "Area of Operation III B. Instrument Takeoff and E. Instrument Departure, and Area of Operation V. Instrument Procedures: B. Landing from a Precision Approach, and D. Landing from a Circling Approach" of the Airline Transport Pilot and Aircraft Type Rating Practical Test Standards FAA-S-8081-5C.. Additionally, per that Practical Test Standards, page 8, if the applicant does not hold a commercial pilot certificate with a seaplane class rating and desires an airplane class rating of single-engine sea, the tasks 1 through 14 listed on page 8 must also be accomplished.

We agree that performance of an ILS approach with a landing on the water can not be required since we also don't know of any ILS approaches to a water landing site. That is an example of where the instructions contained on page 5 apply [i.e., under the paragraph "Use of the Practical Test Standards" of the "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards" FAA-S-8081-5C] that instructs the examiner ". . . However, when a particular ELEMENT is not appropriate to the aircraft or its equipment, that ELEMENT, at the discretion of the examiner, may be omitted." The landing element simply cannot be accomplished. Which means the applicant must do the ILS approach, but no water landing from an ILS approach is required. But the ILS approach is required to be performed.
{q&a-384}

QUESTION: Situation: a pilot with an ATP - with single and multi-engine land class ratings wants to add a single-engine sea class rating to the ATP certificate.

The Commercial and Private PTS's have the matrix which will allow credit for certain maneuvers when adding a class rating, as in this instance. However, looking at the new ATP - PTS (August 1998 version) there does not appear to be any relief of any of the Areas of Operation or Tasks in the PTS. This seems to be further confirmed in the Regulation where FAR 61.165(e)(4) refers to 61.157(e)(1), indicating that items i through ix must be done completely for this additional class rating. I called Ron Bragg at AFS 600. He checked with both Allan Pinkston and John Brown and in a sort of conference call we all agreed that a full Flight Check including the Sea plane procedures from the Commercial PTS (as stated on page 8 of the August 1998 ATP PTS) would be required for the additional class rating.

Is this the intent of the guidance in the PTS and the Regulation, or was there an oversight in the writing and should this situation parallel the Commercial and Private procedures?

ANSWER: Yes, §61.165(e)(4) requires the full check to be performed on the practical test. There is no credit permitted for an applicant who already holds an Airline Transport Pilot certificate with an ASEL and AMEL rating. This was not an oversight. {q&a-194}

QUESTION: An applicant who holds an ATP rotorcraft-helicopter and applies for an ATP-airplane multiengine land rating. How many hours in airplanes does the person need?

ANSWER: Answer is covered by §61.165(c)(4) which states:

(c) Airplane category rating with a multiengine class rating. A person applying for an airline transport certificate with an airplane category and multiengine class rating who holds an airline transport certificate with another aircraft category rating must:

(1) Meet the eligibility requirements of § 61.153 of this part;

(2) Pass a knowledge test on the aeronautical knowledge areas of § 61.155(c) of this part;

(3) Comply with the requirements in § 61.157(b) of this part, if appropriate;

(4) Meet the applicable aeronautical experience requirements of § 61.159 of this part; and

(5) Pass the practical test on the areas of operation of § 61.157(e)(2) of this part. {q&a-34}

61.167

QUESTION: FAR Part 1 doe s not define "Air Transportation Service". What is meant by or what is the definition of "Air Transportation Service"? A few of the new inspectors are addressing §61.167 again regarding what this section really means. I explain to them that it pertains to the "Air Carriers", specifically the 121 folks. This comes from corporate memory, but, when I get two or more inquiries, it may mean it needs clarification.

ANSWER: Ref. §61.167(b); Per §61.167(b):

> (b) An airline transport pilot may instruct--(1) Other pilots in air transportation service in aircraft of the category, class, and type, as applicable, for which the airline transport pilot is rated and endorse the logbook or other training record of the person to whom training has been given;
> (2) In flight simulators, and flight training devices representing the aircraft referenced in paragraph (b)(1) of this section, when instructing under the provisions of this section and endorse the logbook or other training record of the person to whom training has been given;
> (3) Only as provided in this section, unless the airline transport pilot also holds a flight instructor certificate, in which case the holder may exercise the instructor privileges of subpart H of part 61 for which he or she is rated; and

(4) In an aircraft, only if the aircraft has functioning dual controls, when instructing under the provisions of this section.

So yes, it can apply to ATP holders in Part 135 operations. And also, it can apply to ATP holders in Part 125 operations. And also, it can apply to ATP holders in Part 129 operations. However, what the phrase ". . . (1) Other pilots in air transportation service . . ." means in effect, that both pilots have to be employees of the same company in air transportation service and the training program must have been approved under Part 121 or Part 135 or 125 or 129, as appropriate.

Per the "Air Transportation Operations Inspector's Handbook" FAA Order 8400.1, paragraph 15 on page 2-25, the term "Air Transportation Service" is defined as interstate, overseas, or foreign air transportation, or the transportation of mail by aircraft. And further, the terms "interstate air transportation, overseas air transportation, and foreign air transportation" are defined as the carriage by aircraft of persons or property as common carrier (common carriage) for compensation or hire or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively—

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) A place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft and partly by other forms of transportation.

And the term air carrier is defined as any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation. {q&a-181}

61.183

QUESTION 1: Situation is, I have an applicant for an initial Flight Instructor Certificate for an Instrument-Airplane rating. Per §61.183(i), it requires that the applicant for a flight instructor certificate with an airplane or a glider rating be competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures. Does this initial CFI Instrument-Airplane applicant have to receive training and endorsement on being "… competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures …"?

ANSWER 1: Ref. §61.183(i) and §61.187(b)(7); No, an applicant for an initial Flight Instructor Certificate for an Instrument-Airplane rating is not required to receive the training and

endorsement on instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures.

Per §61.183(i), this requirement is only ". . . for a flight instructor certificate with an airplane or a glider rating . . ." (Emphasis added ". . . with an airplane or a glider rating . . ."). And to further strengthen my answer is review §61.187(b)(7) and it clearly shows that there is no requirement for any training on instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures for an applicant for a Flight Instructor Certificate for an Instrument-Airplane rating .
{q&a-372}

QUESTION: Does a flight instructor applicant have to have had received ". . . 3 hours of flight training in preparation for the practical test . . . which must have been performed within 60 days preceding the date of the test . . ." like is the case in many of the eligibility requirements for pilot certificates? And if not 3 hours, does a flight instructor applicant need any training "... within 60 days preceding the date of the test …" ?

ANSWER: Ref. §61.39(a)(6)(i) and §61.183; No, a flight instructor applicant is not required to have flight training within 60 days preceding the date of the test. Section 61.39(a)(6) provides "… if required by this part, ..." allowing exemption from the §61.39(a)(6)(i) "…training time within 60 days preceding the test …" The rule doesn't require this training for flight instructor applicants. And the reason we, the people who made up the rulemaking team on the rewrite of Part 61, didn't specify a certain amount of required training time within 60 days preceding the date of the test for flight instructor applicants in subpart H is because there is no established amount of training time for the flight instructor certificate under Part 61. Under Part 141 yes, but not under Part 61. And the reason that is so is because historically and per the rules (e.g. §61.183 and §61.187), the eligibility requirements for the flight instructor certificate when it comes to training adopts the practice of "training to a standard." There is no established amount of training time under Part 61 for the flight instructor certificate. **Note: this discussion does NOT apply to part 141.**

However, from a practical sense, it appears unlikely many flight instructor applicants would be able to pass a test nor the applicant's flight instructor ever allowing an applicant to go for a practical test after not having any training within the 60 days preceding the date of the practical test. Such an attempt would appear to demonstrates poor or irresponsible judgment.
{q&a-371}

QUESTION: This question applies to the use of a complex airplane during a flight instructor additional rating practical test:

Is an applicant who already holds a flight instructor certificate with an airplane multiengine rating required to furnish a complex airplane to perform takeoffs, landings, and emergency procedures during a flight instructor airplane single engine additional rating practical test?

14 CFR 61.183(h)(1) appears to be class specific, and as noted in a previous question answered in the Part 61 & 141 FAQs, a flight instructor applicant may not provide a multiengine airplane

to demonstrate complex airplane competency during a flight instructor airplane single engine practical test.

Based upon the same criteria, it would appear that an applicant who is seeking to add an airplane single engine rating to an existing airplane multiengine flight instructor certificate must furnish a complex airplane for the takeoffs, landings, and emergency procedures. Although they have already demonstrated complex airplane competency, it was not in the class of airplane for which the additional rating is sought. 61.191(a) states that an applicant seeking an additional flight instructor rating must meet the eligibility requirements of §§61.183, and 61.183(h)(1) is class specific.

The regulations appear to be clear on this issue, and the current Flight Instructor PTS does not provide any information to indicate that a complex airplane would not have to be furnished for a flight instructor ASE rating to be added to a flight instructor AME certificate.

Accordingly, our current position on this issue is as follows:

A multiengine airplane may not be provided as a second airplane to demonstrate complex competency during a flight instructor airplane single engine practical test. Additionally, a complex single engine airplane must be used during a flight instructor airplane single engine additional rating practical test to demonstrate takeoffs, landings, and emergency procedures, even though the applicant already holds a flight instructor certificate with an airplane multiengine rating. The entire basis of this interpretation is that 14 CFR 61.183(h)(1) is specific.

Airline Transport Professionals, Inc., a part 61 flight school located within our district, has challenged our position on the issue requiring a complex single engine airplane to demonstrate takeoffs, landings, and emergency procedures for a flight instructor ASE additional rating to an existing flight instructor AME certificate. They claim that they have talked with Allan Pinkston, and that Allan has talked to you, and the determination is that a complex airplane is not required during the flight instructor ASE additional rating practical test, if the applicant already holds a flight instructor AME rating. They also indicate that they were informed that a change is forthcoming in the Flight Instructor Airplane PTS to address this issue.

ANSWER: §61.45(a)(1)(i) and §61.183(h)(1) and the Flight Instructor PTS, page ix; The answer is no, a CFI-ASE additional rating applicant is not required to furnish a complex single engine airplane for the practical test. The applicant has already demonstrated his ability to flight instruct in a complex multiengine airplane. As you indicated in your question, the applicant holds a CFI-AME rating and has already been tested on flight instructing in a complex multiengine airplane during the previous practical test for the CFI-AME rating.

The rationale behind this answer is that the applicant has already been tested on flight instructing in a complex multiengine airplane during the previous practical test for the CFI-AME rating. So how could we justify requiring the applicant to be retested on flight instructing in a complex single engine airplane for the CFI-ASEL additional rating. The FAA's long standing policy on this matter has been that if an applicant has already demonstrated satisfactory instructing skills in a complex multiengine airplane that it's unnecessary to require the applicant to again

demonstrate instructing skills in a complex single engine airplane. As per your question, this applicant for a CFI-ASE rating has already demonstrated his ability to flight instruct in a complex airplane because as you have indicated in your question the applicant holds a CFI-AME rating and has already been tested on flight instructing in a complex multiengine airplane during the previous practical test when he obtained his CFI-AME rating.

As per §61.45(a)(1)(i) it states, in pertinent part, ". . . (i) Is of the category, class . . . for which the applicant is applying for a certificate or rating . . ." No doubt, the applicant must furnish an aircraft that ". . . Is of the category, class . . ." and he will be required to furnish such a single engine land airplane for the CFI-ASEL additional rating practical test. But he just doesn't necessarily need to bring a complex single engine airplane because he was already tested on instructing in a complex multiengine airplane when he earned the CFI-AME rating.

And as per §61.183(h)(1) it states, in pertinent part, ". . . (1) Aircraft that is representative of the category and class of aircraft for the aircraft rating sought . . ." Again, the applicant must furnish an aircraft that is ". . . representative of the category and class of aircraft for the aircraft rating sought . . ." and the applicant will be required to furnish such a single engine land airplane for a CFI-ASEL additional rating practical test. But he just doesn't necessarily need to bring a complex single engine airplane because he was already tested on instructing in a complex multiengine airplane when he earned the CFI-AME rating.

In the Flight Instructor PTS on page ix, it merely states, ". . . A complex airplane must be furnished . . ." It doesn't state a complex single engine airplane must be furnished or a complex multiengine airplane must be furnished, it only states ". . . A complex airplane must be furnished . . ." But here again, the applicant doesn't necessarily need to bring a complex single engine airplane because he was already tested on instructing in a complex multiengine airplane when he earned the CFI-AME rating.

However, DO NOT READ INTO THIS ANSWER that a CFI-AME additional flight instructor rating applicant who holds a CFI-ASE rating can use his previous demonstration in a complex single engine airplane during the CFI-ASE practical test to satisfy the complex airplane requirements for the CFI-AME additional flight instructor rating practical test. For the required takeoff and landing maneuvers, and appropriate emergency procedures, there are unique differences in performing those maneuvers and procedures in a complex multiengine airplane vs. a complex single engine airplane that require the demonstration be in a complex multiengine airplane for the CFI-AME rating.
{q&a-296}

QUESTION: Clarification on §61.183(i)(1); The applicant is training for an initial CFI in the multiengine airplane. §61.183 (i)(1) states "Receive a logbook endorsement from an authorized instructor indicating that the applicant is competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures...".

§61.187 (b)(2) does not require spin training. The CFI multiengine PTS does not require testing on spins. It appears that we may be saying two different things. Would the applicant be required to have spin training? If so, it appears that it could be in a single engine airplane. Is this correct?

ANSWER: Ref. §61.183(i); Yes, a person who does not hold a Flight Instructor-Airplane Single Engine or Glider and makes application for a Flight Instructor-Airplane Multiengine rating is required to ". . . Receive a logbook endorsement from an authorized instructor indicating that the applicant is competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures . . ." And since I don't know of any multiengine airplanes that are authorized for spins, the person who qualifies for her/his first airplane flight instructor rating in a multiengine airplane would be required to receive the endorsement and training in a single engine airplane that is spin authorized.

In the Parts 61 and 141 final rule document that was published in the Federal Register on April 4, 1997 (62 FR 16220-16367), the FAA stated the following in response to NBAA on this question:

> "Regarding NBAA's comment concerning spin training in multiengine airplanes, the FAA agrees that few multiengine airplanes are certificated for spins. It was never required or proposed for this training to be conducted in a multiengine airplane. This requirement can be accomplished in a single-engine airplane that is certificated for spins."

{q&a-276}

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

> "D. English Language Requirement.
>
> (1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:
>
> (a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.
>
> (b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

QUESTION: The CATS computer test people tell me that no instructor signoff is required, due to a "new" change in policy, to take the FOI/AGI/IGI/CFI/CFII knowledge tests. Is this true? I haven't been able to find anything in writing to support this, and don't want to show up for tests without required papers.

ANSWER: Per §61.183(d); Applicants are not required to show such evidence of preparation to take the ATP, flight instructor (CFI), fundamentals of instruction (FOI), military competency, foreign pilot instrument (IFP) or the certificated ground instructor (CGI) knowledge tests unless they are applying to retake a test after failing that test (per § 61.49). Paragraph 5. b. of the Advisory Circular (AC) 61-65D now relates this information.

Regarding fundamentals of instruction (FOI), per §61.185(a), the applicant needs to ". . . receive and log ground training from an authorized instructor . . ." When the applicant applies for the practical test, the examiner shall ensure that the applicant has: ". . . receive and log ground training from an authorized instructor . . .", but such logbook endorsement need not be presented to take the computer knowledge test.

{q&a-173}

A flight instructor has a student who holds a restricted commercial certificate issued 10 years ago. This student wants to train for a flight instructor certificate. To qualify for a CFI the applicant must hold a commercial or ATP certificate. The regulation does not elaborate on whether the certificate requirement excludes a restricted or special purpose certificate

QUESTION 2a: Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

ANSWER 2a: Yes he is eligible. Section 61.183(c) states "Hold either a commercial pilot certificate or an airline transport pilot certificate . . ." And according to your message, he holds a commercial pilot certificate.

QUESTION 2b: Is the candidate eligible if he hods a special purpose certificate? I know the new Part 61 calls it a "Special Purpose Pilot Authorization" whereas the old Part 61 called it a "Special Purpose Pilot Certificate."

ANSWER 2b: Review §61.77(c), as a special purpose pilot certificate issued under the old §61.77(c) or a special purpose pilot authorization issued under the new §61.77(c), that rule which addresses the privileges permitted would prevent the person from using it for meeting the eligibility requirements for gaining a flight instructor certificate.

{q&a-78}

61.187

QUESTION: Can an applicant for a flight instructor-airplane multiengine rating use a Cessna 337 (i.e. limited to center thrust) exclusively for the CFI-AME practical test?

ANSWER: Ref. §§61.45(b)(1)(ii), & 61.187(b)(xiv) and the Flight Instructor-Airplane Practical Test Standards, Area of Operation V, Task C and Area of Operation XIV, Task C; A Cessna 337 may not be used exclusively for the flight instructor-airplane multiengine rating practical test. As per §61.45(b)(1)(ii), an aircraft used for a practical may have "No prescribed operating limitations that prohibit its use in any of the areas of operation required for the practical test." The Cessna 337 cannot perform the "Flight Principles - Engine Inoperative" task (i.e., Area of Operation V, Task C). Nor can the Cessna 337 perform the "Engine Inoperative Loss of Directional Control Demonstration" task (i.e., Area of Operation XIV, Task C).

Now, it is permissible for an applicant to use two airplanes (i.e., Cessna 337 and Cessna 310) for the flight instructor-airplane multiengine rating practical test. The conventional multiengine airplane (i.e., Cessna 310) would have to be used for Area of Operation V, Task C ("Flight Principles - Engine Inoperative" task) and Area of Operation XIV, Task C ("Engine Inoperative Loss of Directional Control Demonstration" task). Then for the remainder of the practical test, the applicant may use the limited to center thrust multiengine airplane.
{q&a-350}

QUESTION: I'm looking at your FAQs regarding logging instruction and endorsements and both I and a supervisor from Salt Lake City need further clarification of §61.187(a). A school operates a CFI course under Part 61, and they don't want to keep records (logbooks, whatever) of what the applicant was taught on each lesson.

§61.187(a) says that the applicant must receive AND LOG flight and ground training from an authorized instructor on the AREAS OF OPERATION LISTED IN THIS SECTION that apply to the flight instructor rating sought. It doesn't say that the CFI can make a one-time endorsement that the instruction has been done in lieu of the logging of flight and ground training.

The regulation is clear that a required logbook endorsement from an authorized instructor certifying that the person is proficient to pass a practical test on those areas of operation must be made.

If only an endorsement would suffice that the required training had been completed, why doesn't the regulation say so? Then only two endorsements would be required and logging of flight and ground time would not!

ANSWER: Ref. §61.51(a), (b), and (h)(2), §61.187(a), and §61.189(a); The answer is ". . . . training time must be logged in a logbook . . ." [i.e., §61.51(h)(2)]. Section 61.51(h)(2) requires that ". . . training time must be logged in a logbook and §61.187(a) requires "The applicant's logbook must contain an endorsement . . ." Making a simple endorsement in a logbook does NOT relieve the applicant and the flight instructor from logging training time to comply §61.51(h)(2). I support this statement that the flight instructor must log all training time

by the provisions contained in §61.51(a) and (b) and especially paragraph (h)(2). I believe §61.51(h)(2) makes it quite clear that:

"(2) The training time must be logged in a logbook and must:
(i) Be endorsed in a legible manner by the authorized instructor; and
(ii) Include a description of the training given, the length of the training lesson, and the instructor's
authorized signature, certificate number, and certificate expiration date."

An equally important rule is §61.189(a) and I believe that rule further establishes the requirement to "must receive and log flight and ground training . . ." [i.e., §61.187(a)].
{q&a-285}

61.191

QUESTION: An applicant desires to add a Multiengine rating to his Single Engine CFI. He wants to conduct the test in a Citation 500 while I am administering a §135.293(b) practical. My question is:

According to the Practical test guide, the applicant must provide a complex airplane, and it defines a complex aircraft as one which has controllable pitch propellers, and that these propellers must be able to be safely feathered. As a matter of fact, a required task is a demonstration of feathering an engine.

It is only logical that these test standards were written to include the demonstrated ability and aeronautical proficiency in an aircraft that meets a certain complexity standard. In my opinion the demonstration of the required tasks in a turbojet except for feathering a prop would more that demonstrate an applicant's ability to instruct in a multiengine aircraft. Would this be permissible?

ANSWER: Ref. §61.191; Yes, it is permissible to use a turbojet airplane (i.e., CE500) for the add-on Flight Instructor-Airplane Multiengine rating. Use of an aircraft with a controllable pitch propeller is not necessary because the applicant has already demonstrated the complex airplane instructional proficiency when he received his initial Flight Instructor-Airplane Single Engine rating. However, during the training and the practical test for this Flight Instructor-Airplane Multiengine rating, the applicant must receive training and perform the instructional proficiency task "Engine Inoperative - Loss of Directional Control Demonstration." If he doesn't want to perform the task in the Citation 500, then he'll have to bring another multiengine airplane to do the task.

Ref. §61.183(g) and (h); If this scenario had been for the INITIAL Flight Instructor-Airplane Multiengine rating then the applicant would have had to provide a complex airplane (with controllable pitch propeller) and would have had to perform the complex airplane instructional proficiency tasks. That also includes instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures [i.e., §61.183(i)]. So, he may elect to take the majority of the training and practical test in the CE-500; however, he'll have to also provide another airplane and

perform those portions of the required training and practical test in an airplane that is capable of performing those instructional proficiency tasks.
{q&a-338}

61.193

QUESTION 1: Ref. §61.109(a)(3); Please verify that under Part 61 the CFI must have his/her instrument rating (CFII) to teach the 3 hours of instrument training required for private pilot certificate. See below. I'm concerned that this might affect some 141 schools.

ANSWER 1: Ref. §61.193 and §61.109(a)(3); For years, the FAA has differentiated between the kind of training described in §61.109(a)(3) [i.e., ". . . 3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight. . . ."] and REAL "instrument training." Therefore, since no rule specifically conflicts with the FAA's long standing policy on this issue, the FAA has always said a CFI-ASE can give the 3 hours of Private Pilot flight training on the control and maneuvering of an airplane solely by reference to instruments [i.e., §61.109(a)(3)] because the training is not REAL "instrument training."

QUESTION 2: Ref. Part 141, Appendix B, paragraph 4.(b)(1)(iii); Please verify that under Part 141 the CFI must have his/her instrument rating (CFII) to teach the 3 hours of instrument training required for private pilot certificate.

ANSWER 2: Ref. §61.193 and Part 141, Appendix B, paragraph 4.(b)(1)(iii); Again to stay consistent with my answer in Answer 1 above, even though I realize Part 141, Appendix B, paragraph 4.(b)(1)(iii) says "instrument training," the training is really only the kind of training described in §61.109(a)(3). So to remain consistent with my answer in Answer 1 above, a CFI-ASE can provide the training described in Part 141, Appendix B, paragraph 4.(b)(1)(iii).
{q&a-283}

QUESTION 8: An instrument proficiency check required by 61.57(d) can be accomplished in a number of different ways including a check by an authorized flight instructor as permitted by §61.57(d)(2)(iv). Does that instructor have to be (in the case of an airplane) a CFI-IA?

ANSWER 8: Ref. §61.193; The instructor who conducts the Instrument Proficiency Check required by §61.57(d) must hold a CFII for the appropriate aircraft-instrument rating.

QUESTION 9: The flight review requirements of FAR 61.56(a) requires 1 hour of flight training and 1 hour of ground training which includes a review of the current general operating and flight rules of part 91 and a review of those maneuvers and procedures that, at the discretion of the person giving the review, are necessary for the pilot to demonstrate the safe exercise of the privileges of the pilot certificate. If the person getting the flight review holds an Instrument-Airplane rating on his certificate does the review have to be given by a CFI-IA and include

instrument procedures such as radial intercepts, approaches, etc.? Can a CFI-A (but no Instrument-Airplane rating on his CFI) give the flight review to the instrument rated pilot and can that CFI cover any instrument maneuvers such as those that might be given to a Private pilot under 61.107?

ANSWER 9: Ref. §61.193 and §61.195(c); You're incorrectly mixing up the flight review requirements of §61.56(c) with the Instrument Proficiency Check of §61.57(d). They are two separate requirements. But if you're asking whether a CFI-ASE only can administer the Instrument Proficiency Check of §61.57(d), the answer is no. The flight instructor must hold a CFII-Airplane rating to administer the Instrument Proficiency Check of §61.57(d). {q&a-249}

QUESTION 1: Isn't it true that if a flight instructor is required to act as PIC and is compensated, that a 2nd class medical would be required? If the argument is that the flight instructor is not being compensated as a pilot, but as an instructor why must they act as PIC? There is no allowance for a pilot receiving compensation for pilot services to not have at least a current 2nd class medical. The regulation does not talk about instructors receiving compensation, so the 2nd class medical requirement must apply the them, also.

ANSWER 1: : An instructor is NOT necessarily required to act as PIC to give instruction, but is allowed to LOG instruction time as PIC per § 61.51(e)(3). The only situations in which an instructor is required to ACT as PIC are during training of a student pilot or giving instrument instruction to a non-instrument rated person while operating under instrument flight rules (on an activated instrument flight plan) regardless of whether it is instrument meteorological or visual meteorological conditions (IMC or VMC).

An instructor is not required to act as PIC while giving simulated instrument instruction to a person using a view limiting device, but the instructor may be acting as safety pilot during this instruction. In accordance with § 61.23(3)(iv) the instructor must hold a valid third class medical to act as PIC or to be the safety pilot. This is because of required crewmember status, not due to instruction duties.

Note that no medical is required per § 61.23(b)(5) when exercising the privileges of a flight instructor certificate if the person is not acting as PIC or serving as a required pilot flight crewmember.

True, the regulation is silent to the issue of compensation for instruction. The government does not set rates or prevent free instruction. But, as you say, a pilot receiving compensation for PILOT SERVICES (Commercial or above) does have to possess at least a current 2nd class medical. But, note the emphasis on "PILOT SERVICES." Instruction is NOT a pilot service

QUESTION 2: If a second class medical is not necessary for an instructor to receive compensation, then it appears that a private pilot can be a flight instructor, right? For Example a pilot could surrender their commercial for a private and be a compensated flight instructor working a Part 61 or 141 school. It is possible. ------ Do you have any guidance that I can reference that allows flight instructors to act without a commercial certificate?

ANSWER 2: NO. That is not possible. To be eligible for a flight instructor certificate or rating, § 61.183(c) requires a person to hold a commercial pilot certificate or airline transport pilot certificate with the appropriate category and class rating. Surrender of the commercial or ATP certificate to only hold a private certificate would effectively include the surrender of the instructor certification. There is no provision for a person to obtain or hold a flight instructor certificate without a commercial or ATP certificate. But "HOLDING" a commercial or ATP certificate does not demand a valid medical. Only the performance of given privileges require a specific class medical per 61.23(a) (1), (2), or (3).

QUESTION 3: Is it permissible to act as CFI with only a 3rd class Medical if there is no compensation? ... Is it permissible to act as CFII in IMC with only a 3rd class Medical if there is no compensation?

ANSWER 3: YES to both questions, provided for the IMC flight you are current to act as pilot-in-command as required by 14 CFR part 61 section 61.57. In fact, you **CAN** receive compensation. Reference 61.193 for flight instructor privileges and 61.195 for limitations. Your commercial certificate and instrument rating provide the flight privileges as a crewmember (PIC while operating on the IFR flight plan) as well as eligibility to obtain and continue to hold the instructor certificate, but the third class medical is adequate for the flight.
{q&a-240}

QUESTION: Can a CFI holding a Commercial Pilot's License ASEL with an Instrument rating conduct an Instrument Pilot Ground School or must that person be a CFII?

ANSWER: Reference § 61.193(f). You must hold the instrument flight instructor rating, CFII (or instrument ground instructor certificate per § 61.215(c)) to conduct an instrument ground school. The privilege for a flight instructor to give training and endorsements must be "within the limitations of the certificate." An instrument instructor rating is required to exercise the privilege as allowed by
§ 61.193(f).

Note also, § 61.65(a)(3) and § 61.1(b)(2)(ii). Assuming the attendees of the ground school intend to take the instrument rating knowledge test, they will be required to present an endorsement at the test center for eligibility. In accordance with 61.65(a)(3) this endorsement must be made by an "authorized instructor". Such "authorized instructor", in accordance with 61.1(b)(2)(ii) must hold a current flight instructor certificate issued under part 61 when conducting ground training or flight training in accordance with the privileges and limitations of his or her flight instructor certificate.
{q&a-239}

QUESTION: Can a person who only hold a Flight Instructor Certificate with an Instrument-Airplane rating (CFII) conduct a BFR?

ANSWER: Ref. §61.193; No, a person who only holds a Flight Instructor Certificate with an Instrument-Airplane rating (CFII) may not conduct a BFR. As per §61.193,

"A person who holds a flight instructor certificate is authorized **within the limitations of that person's flight instructor certificate and ratings** to give training and endorsements that are required for, and relate to:"

"(g) A flight review, operating privilege, or recency of experience requirement of this part;" {q&a-237}

QUESTION: Can a CFI holding a Commercial Pilot's License ASEL with an Instrument rating conduct an Instrument Pilot Ground School or must that person be a CFII?

ANSWER: Reference § 61.193(f). You must hold the instrument flight instructor rating, CFII (or instrument ground instructor certificate per § 61.215(c)) to conduct an instrument ground school. The privilege for a flight instructor to give training and endorsements must be "within the limitations of the certificate." An instrument instructor rating is required to exercise the privilege as allowed by § 61.193(f).

Note also, § 61.65(a)(3) and § 61.1(b)(2)(ii). Assuming the attendees of the ground school intend to take the instrument rating knowledge test, they will be required to present an endorsement at the test center for eligibility. In accordance with 61.65(a)(3) this endorsement must be made by an "authorized instructor". Such "authorized instructor", in accordance with 61.1(b)(2)(ii) must hold a current flight instructor certificate issued under part 61 when conducting ground training or flight training in accordance with the privileges and limitations of his or her flight instructor certificate.
{q&a-239}

QUESTION: Can a CFI (not holding instrument instructor rating) teach an instrument ground school?

ANSWER: No. Ref. §61.193; A holder of a flight instructor certificate that does not have instrument privileges on his or her flight instructor certificate may not ". . . give training and endorsements that are required for, and relate to:. . [per §61.193(f)]. an instrument rating. . ." {q&a-145}

61.195

QUESTION 9: Must an instructor hold an ATP in order to instruct in an ATP certification course.

ANSWER 9: Ref. §61.195(b)(1) and (2); No. A flight instructor who does not hold an ATP pilot certificate can give training to an applicant who is receiving training for an ATP certificate. Per §61.195(b)(1) ". . . A pilot certificate and flight instructor certificate with the applicable category and class rating . . ." emphasis added ". . . applicable category and class rating. . ." The regulation does NOT require " . . . the appropriate pilot certificate level . . ." or ". . . appropriate to the pilot certificate level sought. . ." It just states ". . . applicable category and class rating. . ."

However, the appropriate type rating must be held by the instructor if the training for the ATP pilot certificate is going to be conducted in an aircraft that requires the applicant to be issued a type rating, per §61.195(b)(2) [i.e., ". . . If appropriate, a type rating . . ."]
{q&a-401}

QUESTION: The instructions for issuing a Gold Seal Flight Instructor Certificate in FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria" (3)(b) on page 13-4 show that the Flight Instructor must have:

"conducted at least 20 practical tests as a designated pilot examiner..... "

May we read the above paragraph to include that FAA Aviation Safety Inspectors (Ops) who have "conducted at least 20 practical tests" will also be qualified in the same way that Designated Pilot Examiners have qualified?

ANSWER: Ref. §61.1(b)(4) and FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria;" Yes; Per §61.1(b)(4), an ASI (Operations) meets the definition of an examiner. And so, the answer is yes, an ASI (Operations) who can show having "conducted at least 20 practical tests as a designated pilot examiner..... " qualifies for being issued a Gold Seal Flight Instructor Certificate in FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria."
{q&a-380}

QUESTION: What is meant by "appropriate rating" in §61.195(h)(1)(i) and 61.195(h)(2)(ii)? Example: I have held a glider instructor for 10 years and have 2,000 hours instruction given in glider; I also hold an airplane single engine instructor rating but only for the last 18 months and given 180 hours of instruction. Can I give the training in accordance with these two regulations to a new instructor applicant in airplanes?

ANSWER: Ref. §61.195(h)(1)(i) and (h)(2)(ii); FAA policy on this issue is ". . . has held that certificate for at least 24 months . . ." [emphasis added ". . . has held that certificate . . ."]. Notice, it doesn't say rating. Therefore, a flight instructor who provides the ground training to a first time flight instructor applicant must only have held the **flight instructor certificate** for at least 24 calendar months and have given at least 40 hours of ground training [i.e., §61.195(h)(1)(i)]. And in accordance with §61.195(h)(2)(iii) and (iv) the flight instructor who provides the flight training to a first time flight instructor applicant must only, ". . . Have held a **flight instructor certificate** for at least 24 months . . ." . . . ". . . have given at least 200 hours of flight training as a flight instructor . . ."
{q&a-349}

QUESTION: An older (79 years) CFI called and asked the following question:

Does an instructor have to be in the airplane in order to do a tailwheel signoff? This instructor has a friend who has built a two place Merlin and needs a tailwheel signoff. The instructor doesn't particularly want to climb into a homebuilt airplane, but says he will feel comfortable with this pilot observing him from the ground. According to 61.31 (i) the pilot has to do normal and crosswind takeoffs and landings, wheel landings (if applicable) and go-around procedures.

ANSWER: Ref. §61.195(g)(1); There are no provisions that permit an instructor to instruct from the ground.

Per §61.195(g)(1), it states, in pertinent part, as:

> (g) Position in aircraft and required pilot stations for providing flight training.
> (1) A flight instructor must perform all training from **in an aircraft** that complies with the requirements of Sec. 91.109 of this chapter. Emphasis added "**in an aircraft**."

Per §61.1(b)(6), flight training is defined as:

> "(6) Flight training means that training, other than ground training, received from an authorized instructor in flight **in an aircraft**." Emphasis added "**in an aircraft**."

Per §61.31(i), it states, in pertinent part:

> ". . . unless that person has received and logged **flight training** from an authorized instructor in a tailwheel airplane and received an endorsement in the person's logbook from an authorized instructor who found the person proficient in the operation of a tailwheel airplane. The **flight training** must include at least the following maneuvers and procedures:" Emphasis added "**flight training**" and "**in a tailwheel airplane**."

{q&a-298}

CORRECTION: In the previous answer we missed the specification in the question: **"outside of a Part 141 approved flight instructor course"**. Section 61.195(h)(3) does not apply to part 61 instructional activity.

QUESTION: Ref. §61.195(h)(2) and (3)(ii); The question is, can a flight instructor who has only held a flight instructor certificate for 14 months, but who has trained and endorsed at least five applicants for a practical test for a pilot certificate or rating and at least 80 percent of his applicants passed the practical test on their first attempt and who has given at least 400 hours of flight training as a flight instructor for training in an airplane qualifies that flight instructor to instruct "first time" flight instructor applicants outside of a Part 141 approved flight instructor course (otherwise the CFI has not held the CFI certificate for at least 24 months)?

ANSWER: §61.195(h)(3); **NO.** This flight instructor can not provide flight instruction for an initial ("first time") flight instructor applicant outside of a Part 141 approved flight instructor course. Granted, section 61.195(h)(2), states, "Except for an instructor who meets the requirements of paragraph (h)(3)(ii) of this section." However, this exception provides that different qualifications per §61.195(h)(3)(ii) may be used for a flight instructor serving as a flight instructor <u>in</u> <u>an</u> <u>FAA-approved</u> <u>course</u> for the preparation of a person enrolled in the FAA-approved course for a flight instructor certificate.

What §61.195(h)(3) is actually saying is a flight instructor who trains a "first time" flight instructor applicant must either have the experience qualifications stated in §61.195(h)(2) or

(h)(3) plus appropriate ratings and satisfactory recurrent and proficiency test results to be considered qualified to train a "first time" flight instructor applicant in an FAA-approved course. The rationale when we developed this rule, since we had on occasion in the past issued grants of exemption similar to §61.195(h)(3) was that a flight instructor who had those recency of qualifications and quality of flight training [i.e., trained 5 applicants, 80% pass rate, and 400 hours of flight training given] was equally qualified in comparison to the requirements contained in §61.195(h)(2).
{q&a-268}

QUESTION: Our FSDO has come across a situation that seems to be a clear noncompliance issue with initial CFI training and we want to confirm our interpretation of the regulations.

§61.195(h) is the issue. Two local Part 61 training schools are taking the position that required training for the initial CFI can be given, in substantial part, by instructors that do not meet the two year/200 hour requirements of 61.195(h) ("senior instructors" in the local vernacular). As we read the regulation all instruction required for an initial CFI applicant has to be conducted by a CFI meeting the two year/200 hour requirement.

Can a "junior" instructor can be used in preparing an initial CFI applicant, and if so, what limitations on their use would apply?

ANSWER: Ref. §61.195(h)(2); NO, a "junior" instructor cannot be used.

In accordance with §61.195(h)(2), which states in pertinent part, ". . . who provides training to an initial applicant for a flight instructor certificate must- . . . . held a flight instructor certificate for at least 24 months . . . have given at least 200 hours of flight training . . ."

The rule requires that the training resulting in the required endorsements for an initial flight instructor applicant must be given by a CFI who meets the requirements of §61.195(h)(2). Notice that this question does not involve the requirements for an instructor serving in an FAA-approved school under §61.195(h)(3)(ii).
{q&a-279}

QUESTION 1: Ref. §61.31(f) and §61.195(b); The situation is a flight instructor has asked the question whether he can give flight training in a high performance airplane and he has not previously met the additional training requirements for operating high performance airplanes [i.e., §61.31(f)]. And neither has the person who the flight instructor is giving training to? So the scenario would be neither person is qualified to act as PIC in a high performance airplane.

ANSWER 1: Ref. §61.31(f); No, a flight instructor CANNOT give flight training in a high performance airplane unless he has complied with §61.31(f) first. As per §61.31(f) which states in pertinent part, ". . . no person may act as pilot in command of a high performance airplane . . . unless that person has . . ." So, in the scenario you've given me, WHO IS GOING TO ACT AS THE PIC! I realize §61.195(b) merely states ". . . category and class . . ." but that is going to be changed in an upcoming rulemaking action, so we can quit being asked these

ridiculous questions. I can't imagine somebody wanting to flight instruct in an aircraft they're not qualified in!

QUESTION 2: Ref. §61.31(f) and §61.195(b); A similar situation in that the flight instructor is still not qualified to act as PIC in a high performance airplane because he has not previously met the additional training requirements for operating a high performance airplane [i.e., §61.31(f)]. But the person who the flight instructor is giving training to is qualified to pilot a high performance airplane, because he has previously met the training and endorsement requirements of §61.31(f)? Now, can that flight instructor give flight training to that person in this scenario?

ANSWER 2: Ref. §61.195(b); Again, the answer is NO. Even though §61.195(b) doesn't specifically deny this flight instructor from doing something stupid, I believe the word "applicable" in §61.195(b)(1) [i.e., "A pilot certificate and flight instructor certificate with the applicable category and class rating"] does have some significance and purpose. And as I stated previously, I hope to have a rulemaking action completed that will create a new subparagraph (3) to §61.195(b) that will establish the provision "(3) If required, an endorsement to serve as pilot in command in that aircraft." Then, without question, the rule will definitely prevent this kind of idiotic scenario! Anyway, what kind of worthwhile training could this flight instructor think he could provide when he/she is not even qualified in the aircraft???? The flight instructor certainly could not provide the training and endorsement required by §61.31(f), because the flight instructor would not be considered an "authorized instructor."
{q&a-265}

QUESTION 1: Ref. §61.195(h)(1); As an example, it requires that a person to hold a Certificated Flight Instructor - Glider certificate to conduct flight training in a glider.

Does the CFI certificate have to be current? In other words, can a holder of a Certificated Flight Instructor - Glider that is not current conduct and endorse glider flight training, assuming his pilot certificate is current? What if the training is for a Commercial Pilot Certificate for a Glider rating, and includes a certificate for a Certificated Flight Instructor - Glider?

Can a holder of a Certificated Flight Instructor - Glider certificate that is not current endorse a flight review (61.56)?

ANSWER 1: Ref. §61.19(a); The answer to both questions is the flight instructor certificate cannot have expired. The flight instructor certificate has to be current. Per §61.19(a), it states: "(a) General. The holder of a certificate with an expiration date may not, after that date, exercise the privileges of that certificate."

QUESTION 2: Ref. §61.195(h)(1)(i); Another example, a holder of a Certificated Flight Instructor - Glider certificate must be current to give ground training to initial Certificated Flight Instructor - Glider candidates and have held the certificate for at least 24 months, and has given 40 hours of ground instruction.

Does the 24 months have to be the most recent 24 months, or can this time limit be over a long time, say 10 years but brought to currency within the last 2 months by recertification ride?

ANSWER 2: Ref. §61.195(h)(1)(i); The answer is no, the time period does not have to be in the most recent 24 months. It just has to have been held ". . . for at least 24 months. . ." Just like the rule states, the person only has to ". . . Have held a current ground or flight instructor certificate with the appropriate rating, has held that certificate for at least 24 months . . ." DURING SOME TIME IN HIS LIFETIME. It does not have to be held in the most recent past 24 months. As for example, I held a flight instructor certificate from August 1, 1980 to August 31, 1982 and I have documented proof of having given at least 40 hours of ground training back then, but I let the certificate expire. It is now February 23, 1999, and I satisfactorily complete a reinstatement practical test for my flight instructor certificate, so I'm back holding a current flight instructor certificate again. Well I can now give ground training to a first time flight instructor applicant, because just like the rule states
". . . has held that certificate for at least 24 months, and has given at least 40 hours of ground training . . ." And I did hold a flight instructor certificate ". . . for at least 24 months . . .", and I have ". . . given at least 40 hours of ground training . . ." during the time period from August 1, 1980 to August 31, 1982.

QUESTION 3: Ref. §61.195(h)(2)(v); requires 80 hours of flight training as a flight instructor.

Are the 80 hours of flight training required to be in gliders or in any aircraft?

ANSWER 3: Ref. §61.195(h)(2)(v); The INTENT here is to require ". . . For training in preparation for a glider rating, have given at least 80 hours of flight training as a flight instructor" IN GLIDERS. I agree I should have written it more clearly. But again the rule's INTENT is for the flight training as a flight instructor to have been in gliders.
{q&a-257}

QUESTION 3a: Can a Flight Instructor with only an Instrument-Airplane rating on his CFI certificate (but no Airplane Single-Engine rating on his CFI, but does have the Airplane Single Engine Land rating on his pilot certificate) give the flight training required by §61.107(b)(1)(ix) and §61.109(a)(3) for the Private Pilot Certificate and the Airplane Single Engine Land rating?

ANSWER 3a: Ref. §61.195(c); The answer is yes, provided the flight instructor holds ". . . an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided." The answer is addressed in §61.195(c), which states:

(c) Instrument Rating. A flight instructor who provides instrument flight training for the issuance of an instrument rating or a type rating not limited to VFR must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided.

Read the words ". . . must hold an instrument rating on his or her <u>flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided</u>" VERY CAREFULLY. Yes, that is what it means.

So in the example in your question, the flight instructor would have to hold instrument privileges for the Airplane Single Engine Land rating on his pilot certificate AND ALSO instrument instructing privileges for the single engine airplane on his Flight Instructor Certificate. Yes, that is what §61.195(c) means! In the past, I have heard of an unwritten rumor going around that supposedly said a flight instructor who only held a Flight Instructor Certificate-Instrument Airplane and Commercial Pilot Certificate with an ASEL rating and Instrument-Airplane rating could provide instrument training to an applicant in a multiengine airplane. THAT PRACTICE IS NOT PERMITTED ANY LONGER, if it was ever permitted in the first place!

As an example, a flight instructor, who only holds a CFII-A rating is giving instrument training to an Instrument-Airplane applicant in an single engine land airplane. That flight instructor must hold the following:

Flight Instructor Certificate	Commercial Pilot Certificate or ATP
Instrument-Airplane	Airplane Single Engine Land Instrument-Airplane

Another example. A flight instructor, who only holds a CFII-A rating is giving instrument training to an Instrument-Airplane applicant in an multengine land airplane. That flight instructor must hold the following:

Flight Instructor Certificate	Commercial Pilot Certificate or ATP
Instrument-Airplane	Airplane Multiengine Land Instrument-Airplane

However this example is a **"NO-NO"** and a violation of §61.195(c). A flight instructor, who only holds the following and wishes to give instrument training to an Instrument-Airplane applicant in an multengine land airplane shall not do so.

Flight Instructor Certificate	Commercial Pilot Certificate or ATP
Instrument-Airplane	Airplane Single Engine Land Instrument-Airplane

As per §61.195(c), which states in pertinent part: ". . . must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided."

QUESTION 4: Does the "instrument training" required by §61.65(c)(2)(i), §61.65(e)(2)(ii) and, §61.129(a)(3)(i) have to be given by a Flight Instructor with an Instrument-Airplane rating on his CFI certificate?

FAR 61.195(c) [i.e., flight instructor limitations and qualifications] requires that a flight instructor who provides instrument flight training for the issuance of an instrument rating or a type rating not limited to VFR must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided.

Thus the training required by §61.65(c)(2)(i) and §61.65(e)(2)(ii) would appear to require a CFI-IA. What about the instrument training required by §61.129(a)(3)(i)? §61.195(c) does not specifically require that the CFI have an Instrument-Airplane rating on his CFI certificate for the §61.129(a)(3)(i) instrument training.

ANSWER 4: Ref. §61.195(c); The answer is, the CFI ". . . must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and class of aircraft in which instrument training is being provided" to conduct the "instrument training" of §61.129(a)(3)(i). Read my more detailed answer in Answer 3a., shown above.

I don't know what regulations you are citing when you say §61.65(c)(2)(i) and §61.65(e)(2)(ii)? Those rules never existed even in the pre- August 4, 1997 version of Part 61. I would suggest you obtain a current version of Part 61.

QUESTION 5: Can a CFI without an Instrument-Airplane rating on his CFI certificate give flight training to a pilot working on an Instrument-Airplane rating under §61.65 provided that the time is not used to meet the requirements of §61.65(c)(2)(i) and §61.65(e)(2)(ii)? Can that timed be logged as "flight training"? For example, an Instrument-Airplane applicant needs additional basic training in the control and maneuvering of an airplane solely by reference to instruments such as that that might be required of a private pilot applicant under §61.107(b)(1)(ix).

ANSWER 5: Ref. §61.195(c); If you're asking whether the training required by §61.65(c)(1) through (10) can be given by a flight instructor who does not hold an Instrument-Airplane rating on his flight instructor certificate, the answer is no. Read my more detailed answer in Answer 3a, shown above.
{q&a-249}

QUESTION 1: Re: 61.65(d)(2)(i) can a CFI-Helicopter (not instrument rated) give any of the fifteen hours required by this section?

ANSWER 1: Ref. §61.195(c); NO. It has to be given by a flight instructor who holds flight instructor helicopter and instrument-helicopter on their flight instructor certificate.
{q&a-164}

QUESTION: A flight instructor in our district wants to know if he needs an airplane/single-engine sea rating in order to give instrument instruction in a Lake Buccaneer amphibian. There is some debate here in our office. I cite §61.195(c) as making it a requirement for the instructor to hold an airplane/single-engine sea. Can you shed some light on this for us?

ANSWER: Reference §61.195(c). **YES**; As it states in §61.195(c), " . . hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and CLASS OF AIRCRAFT in which instrument training is being provided." YES, a flight instructor would have to hold an airplane single engine sea rating on his or her pilot certificate.

Some of you may have seen some of the past policy interpretations on this kind of question, but §61.195(c) got changed on August 4, 1997 so those policy interpretations are no longer valid. The new §61.195(c) applies. As per §61.195(c), a person would have to hold an airplane single engine sea rating on his or her pilot certificate.
{q&a-119}

QUESTION: Regarding FAR 61.195(c). The confusion arises about the "instrument rating that is appropriate to the category and class of aircraft". What is the intent or meaning here, instrument is not class specific. Seems like it would be enough to say "...must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category of aircraft in which instrument training is being provided."

Perhaps an example would help illustrate the issue. Could an instrument rated instructor (CFII) give instrument instruction in a multiengine airplane if the instructor did not have a multiengine instructor rating or a multiengine rating on their commercial pilot certificate? The traditional answer to this question has been yes...but, make sure you don't get into the realm of multiengine instruction by pulling an engine or doing something else that would require multiengine skills. Has this changed with FAR 61.195(c)?

ANSWER: Reference §61.195(c), it states:

(c) Instrument Rating. A flight instructor who provides instrument flight training for the issuance of an instrument rating or a type rating not limited to VFR must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the **category and class of aircraft** in which instrument training is being provided.

In reference to your specific question, the answer is NO. A person that does not hold an airplane multiengine rating on his pilot and flight instructor certificate shall not give instrument training in a multiengine airplane.
{q&a-111}

61.197

QUESTION: In §61.197(a)(2)(ii), it says ". . . or in a position involving the regular evaluation of pilots . . ." This is different wording than the old rule, because prior to August 4, 1997 when the new Part 61 went into effect, it was permissible for a Part 121 airline captain to automatically have their flight instructor renewed just because that person was a Part 121 airline captain. Can we still renew Part 121 airline captains automatically?

ANSWER: Ref. §61.197(a)(2)(ii) and FAA Order 8700.1, paragraph 17.B.(2): Automatically? Absolutely not! This question keeps coming up whether it is permissible to automatically renew a flight instructor certificate on the basis of that person being a Part 121 airline captain. Whether a Part 121 airline captain can have his/her flight instructor certificate renewed depends on whether that Part 121 airline captain can present to an authorized FAA Flight Standards Inspector (i.e., preferably at a FSDO) ". . .a record showing that, within the preceding 24 calendar months, the flight instructor has served . . . in a position involving the

regular evaluation of pilots", or the inspector has personal, direct knowledge of that pilot's duties and responsibilities regarding pilot evaluation with that carrier. In that case, then, YES, that Part 121 airline captain's flight instructor certificate can be renewed based on the inspector's determination that the applicant possesses satisfactory knowledge of current pilot training, certification, and standards for renewal of the flight instructor certificate.

The argument has been made that all Part 121 captains' duties and responsibilities involve serving ". . . in a position involving the regular evaluation of pilots." It has been a widely-held assumption by captains that they evaluate co-pilots' performance on a daily basis and are therefore covered by this part of the regulation. But there's more involved here. Part 121 captains are not even required to hold flight instructor certificates to act as captains. The captain must continue to show his/her flight instructor qualifications to the FAA in order to continue to hold a flight instructor certificate. That's the real issue here. The decision to renew a Part 121 airline captain's flight instructor certificate is totally the responsibility of an FAA Flight Standards Inspector who HAS THE TECHNICAL KNOWLEDGE AND JUDGEMENT IN DETERMINING whether that Part 121 airline captain possesses satisfactory knowledge of current pilot training, certification, and standards for renewal of the flight instructor certificate.

And per FAA Order 8700.1, paragraph 17.B.(2), it states:

> ". . . At the discretion of an inspector, a current flight instructor certificate may be renewed without taking a practical test when the inspector has personal knowledge of the applicant's knowledge and competency. An example of evidence that may be presented to support that personal knowledge would be a record of satisfactory completion of pilot training course or related, aviation-oriented work experience."

For example, I feel quite certain if I were the principal operations inspector (POI) for America West and I was involved in the training and testing of those America West captains and I had firsthand knowledge of the duties and responsibilities of America West captains and their positions (*one example of those kinds of positions ". . . involving the regular evaluation of pilots . . ." may be a training captain or check airman*), I know I would have the technical knowledge and judgement to determine whether that America West's captain ". . . has served . . . in a position involving the regular evaluation of pilots" and the applicant has satisfactory knowledge of current pilot training, certification, and standards. But even then, an authorized FAA Flight Standards Inspector may want that Part 121 airline captain to demonstrate some basic knowledge of current pilot training, certification, and standards requirements. Which means, as an FAA Flight Standards Inspector, I have the authority to ask some basic questions on what is required to sign off an applicant for a pilot certification and/or rating test. I may even go into some discussion and questioning on the endorsements and information in Advisory Circular No. 61-65D "Certification: Pilots and Flight and Ground Instructors" so I can make a determination whether that applicant possesses the necessary knowledge of current pilot training, certification, and standards for renewal of the flight instructor certificate. And I may even ask some basic certification questions on the aeronautical experience requirements for a particular pilot certificate. FAA Order 8700.1, paragraph 17.B.(4), states that an applicant for renewal "may be required to complete all or any part of the practical test outlined in the Practical Tests Standards". Inspectors must use good judgement and exercise professionalism in conducting such tests and not spend an inordinate amount of time on such renewals. (Please, no eight-hour tests!)

Now as a side discussion on this issue, let's say an America West captain who lives in Seattle, goes to the Seattle FSDO to renew his flight instructor certificate. An inspector from that FSDO may or may not have any certificate responsibility over America West or any other 121 carrier. That inspector would have no knowledge of the captain's duties and responsibilities outlined in America West's training and operations manual. So if an America West airline captain asked that inspector to renew their flight instructor certificate, it could not be done merely the basis of that applicant saying he is an airline captain and is ". . . in a position involving the regular evaluation of pilots." It would be prudent for that inspector to recommend that the captain take his records to Bob Anderson, POI for America West Airlines, at the Flight Standards CMU office in Phoenix, AZ or go to one of the geographic Flight Standards inspectors that oversee America West and have one of those authorized FAA Flight Standards Inspectors review his/her records to determine whether his/her duties and responsibilities involve serving ". . . in a position involving the regular evaluation of pilots" and whether the applicant possesses satisfactory knowledge of current pilot training, certification, and standards for renewal of his flight instructor certificate.

And to further this philosophical discussion on clarifying the scope and intent of having ". . . served . . . in a position involving the regular evaluation of pilots", this also applies to the following pilots/flight instructors, for example:

A flight instructor who regularly gives aircraft checkouts at an FBO; but just like the discussion above, the Inspector must have personal, direct knowledge of that applicant's duties, responsibilities, and quality of instruction and the inspector can make a determination that the applicant has satisfactory knowledge of current pilot training, certification, and standards, then that applicant could have his/her flight instructor renewed on the basis the applicant is ". . . in a position involving the regular evaluation of pilots . . ."

A flight instructor who is a Part 135 airline captain; but again just like the discussion above, the Inspector must have personal, direct knowledge of the applicant's duties and responsibilities and position, and the inspector can make a determination that the applicant has satisfactory knowledge of current pilot training, certification, and standards, then YES that Part 135 airline captain's flight instructor certificate may be renewed on the basis the applicant is ". . . in a position involving the regular evaluation of pilots . . ."

Additionally, a PIC on a SK-61 Sikorsky helicopter for a Part 133 operation who is ". . . in a position involving the regular evaluation of pilots . . ." and that authorized FAA Flight Standards Inspector has personal, direct knowledge of the applicant's duties and responsibilities and position, and the inspector can make a determination that the applicant has satisfactory knowledge of current pilot training, certification, and standards, then YES that Part 133 PIC's flight instructor certificate could be renewed on the basis the applicant is ". . . in a position involving the regular evaluation of pilots . . ."

A Civil Air Patrol pilot authorized to perform check airman duties with the Civil Air Patrol.

The purpose of rewriting § 61.197 was to require and establish quality re-qualification standards and to stop renewing applicants on acquaintance alone. We never could renew on merely

"Acquaintance" even in the old rule. Nor did FAA Order 8700.1 ever permit it. There always had to be some duties and responsibilities involved germane to the renewal, and the applicant's flight instructor qualities had to be judged. The misconception surrounding renewing flight instructor certificates based on "acquaintance" came from the back of the old FAA Form 8710-1 "Airman Certificate and/or Rating" application. The new FAA Order 8710-1 (4-00), replaces the word "Acquaintance" with the words "Duties and Responsibilities", which is more in line with the wording in § 61.197 and FAA Order 8700.1.
{q&a-386}

QUESTION: Here's a question related to the (in)famous phrase in 61.197(2)(ii), "or in a position involving the regular evaluation of pilots."

A CFI, happens to be in the military, is an instructor pilot in his unit and regularly evaluates those pilots. He's requesting that we renew his CFI based on his military activity since he does very little civil instructing. He argues the point that he can use his military comp check in lieu of a BFR, so why can't he use his military instruction experience to renew his CFI?.

Should we renew him or not based on his military experience of being in a position involving the regular evaluation of pilots?

ANSWER: Ref. §61.197(a)(2)(ii); No you would not renew this military IP's FAA flight instructor certificate without some semblance of the training involving the knowledge, skills, and abilities of the certification standards set forth in Parts 61 or 141.

The intent of ". . . or in a position involving the regular evaluation of pilots . . ." of §61.197(a)(2)(ii) involved training in the environment of the requirements and standards of Part 61. The rule was never intended to permit a military IP who flight instructs another military aviator on how to fire a heating seeking missile or evaluating military aviators on military mission operations to equate to training pilots via Part 61 standards.

However, there are situations where the military IP's duties and responsibilities may equate to training in the environment of the requirements and standards of Part 61. For example, if an FAA Aviation Safety Inspector has "first-hand, direct knowledge of a military IP's instructing duties and responsibilities and the military IP's duties and responsibilities involve teaching military pilots on instrument ratings, qualifications, and skills in the ATC environment and further this FAA inspector orally tests the military IP on Part 61 standards then there would be a case for arguing for the military IP's position. Another example could be when an FAA Aviation Safety Inspector has "first-hand, direct knowledge of a military IP's instructing duties and responsibilities and the military IP's duties and responsibilities involve teaching military aviators on basic piloting skills that equate to private pilot training under Part 61. Again, if the FAA inspector orally tests the military IP on Part 61 standards, then there would be a case for arguing for the military IP's position.
{q&a-367}

QUESTION: Amendment 61-103, P-117, Section 61.3, second paragraph, indicates the FAA has determined that the graduate of an FIRC can carry that graduation certificate as acceptable documentation of eligibility until they receive a temporary certificate.

We have an Inspector who is issuing temporary certificates dated 9/18/99 for a group of CFIs whose certificates would have expired August 31, 1999, had they not attended an FIRC on 8/27/99. He thinks it is not appropriate to date the temporaries on the date they qualified, but it should be dated when he signs the temporary which in this case was 20 days later when he actually typed up the temporary flight instructor certificate. Now it is 18 days after the permanent certificates expired. This could be just so simple if he would use the graduation date, as an ACR would have done if one had been in attendance.

If this is allowed, it creates the situation when there is a period of time a CFI is legally endorsing training using his graduation certificate, but then gets a new permanent certificate showing a date of issue 18 days after his previous certificate expired. If one of his students falls out of the sky, we will be trying to explain to 20/20 or some other investigative reporter, why the CFI was giving endorsements after his certificate expired, when his current one wasn't issued until 18 days later.

We agreed to allow AOPA to send applications for CFIs who apply during their expiration month directly to us without temporary certificates. We agreed to use the graduation date as the renewal date of issue, just as AFS-800 asked us to. If we were to use the date we actually issued the permanent certificate, it could be 60 days after the CFI expired. We are going to use the graduation date, and FSDO's who issue for FIRC's other than AOPA must do the same when a later date would show the certificate expired. If they are going to use any other formula, we don't see how this can work.

ANSWER: Ref. §61.197(b)(1); I realize the rule [i.e., §61.197(b)(1)] addresses the "expiration month" but this question of yours is more a policy/procedural matter than a rule issue. The issuance date placed on the temporary flight instructor certificate should be the date the person completed the flight instructor refresher clinic, and NOT the date the inspector signed the temporary flight instructor certificate (FAA Form 8060-4).

So in the question you've asked, the person completed the flight instructor refresher clinic on August 27, 1999, and that is the date on the person's flight instructor refresher clinic graduation certificate. So August 27, 1999 is the issuance date that would be placed on the person's temporary flight instructor certificate (FAA Form 8060-4). And August 27, 1999 is also the date the FAA would place on the back page of the Airman Certificate and/or Rating Application (FAA Form 8710-1) in the box identified as "Date" next to the "Graduation Certificate No." box of the "Training Course (FIRC) Name." And also, August 27, 1999 is the date that would be placed in the box identified as "Date" next to the "Inspector's Signature" box.
{q&a-354}

QUESTION: In response to our discussion at the NATA Flight Training Committee meeting on 9/29/99 regarding the new AC61-65D and the requirements for a Gold Seal Flight Instructor Certificate. On page 9 it mentions the acceptance of graduation tests as a Chief Instructor of a 14 CFR 141 approved school as one of the acceptable requirements. I would just like to confirm that this specific requirement would also be applicable to Assistant Chief Flight Instructors.

ANSWER: Ref. §61.197(a)(2)(ii) and AC 61-65D, page 9, paragraph 18c(2); There was no intentional exclusion of the assistant chief instructor from being one of the eligibility requirements for being awarded the Gold Seal Flight Instructor Certificate. When the provisions of paragraph 18c(2) of AC 61-65D were drafted, it was an unintentional oversight to not include the words ". . . or as an assistant chief instructor of a 14 CFR part 141 approved pilot school course . . . ." In review with the management in AFS-800, General Aviation and Commercial Division, we agree that the provisions in paragraph 18c(2) of AC 61-65D that provides for the chief instructor also includes the assistant chief instructor.
{q&a-347}

QUESTION: What job tasks can an Aviation Safety Technician (AST) perform on renewing a flight instructor certificate?

ANSWER: Ref. §61.197(a)(2); An AST is authorized and has been trained to renew a flight instructor certificate, provided no practical test is involved in the renewal process. What I heard was occurring out in some FSDOs was a flight instructor renewal applicant was taking a practical test with an Aviation Safety Inspector (ASI) and then the ASI was dropping off the application and temporary certificate to the AST and the AST was signing the back of the FAA Form 8710-1 application and the front of FAA Form 8060-4 temporary airmen certificate. That is not permitted. An AST may only sign the FAA Form 8710-1 application and FAA Form 8060-4 temporary airmen certificate if no practical test was involved.

On the back of the FAA Form 8710-1 application in the section noted as "Inspector's Report" it states "I have personally tested this applicant in accordance with or otherwise verified that this applicant complies with pertinent procedures, standards, policies, and or necessary requirements with the result indicated below." An AST would not be able to sign that statement if a practical test was involved. Only the ASI who conducted the practical test could sign that statement.
{q&a-303}

QUESTION 3: Your flight instructor certificate expires on December 31, 1999, and you complete the flight instructor refresher clinic (FIRC) on August 16, 1999. You must submit the graduation certificate to a FSDO as a basis for renewal no later than November 30, 1999 (emphasis here is the 3 calendar months expiration of the graduation certification from the FIRC) in order to renew your flight instructor certificate. The month in which you submitted the documents for renewal would be the expiration month of your new flight instructor certificate. Is this correct?

ANSWER 3: Ref. §61.197(b)(2)(ii); To get the relief of §61.197(b)(2)(ii), the applicant must have completed the FIRC in the months of September, October, November, or December to get a December expiration month. Your example cites completion of the FIRC on August 16, 1999, so the applicants gets an August 31, 2001 expiration date.

QUESTION 4: If your current flight instructor certificate expires on May 31, 2000, and you want to renew through presentation of a graduation certificate from a FIRC and obtain a new expiration date of May 31, 2002 (otherwise the same expiration month), you must complete the FIRC and present the graduation certificate from the FIRC to the FSDO on or after February 1,

2000. The 3-calendar month window [i.e., §61.197(b)(2)(ii)] is computed from the first day of the expiration month, or May 1, 2000 in this example. Is this correct?

ANSWER 4: Ref. §61.197(b)(2)(ii); To get a May expiration month, the applicant must have completed the FIRC in the months of February, March, April, or May. And yes, you're correct in your read of §61.197(b)(2)(ii) that the 3-calendar month window is computed from the first day of the flight instructor certificate's expiration month, or May 1, 2000 as in your example.
{q&a-283}

QUESTION 1: For the purpose of renewing a flight instructor certificate, can a first officer (otherwise the SIC) on a Part 121 air carrier be considered ". . . or in a position involving the regular evaluation of pilot . . ." as is stated in §61.197(a)(2)(ii)?

ANSWER 1: Ref. §61.197(a)(2)(ii); It depends, just like the rule states ". . . may renew that certificate by-- . . . (2) Presenting to an authorized FAA Flight Standards Inspector-- . . . (ii) A record showing that, within the preceding 24 calendar months, the flight instructor has served . . . in a position involving the regular evaluation of pilots; or"

If the First Officer hasn't served ". . . in a position involving the regular evaluation of pilots . . ." then the answer is quite obvious in that the Flight Instructor Certificate cannot be renewed on the basis of having ". . . served . . . in a position involving the regular evaluation of pilots . . ."

Personally, I can't imagine an SIC being able to **produce a record** of having served ". . . in a position involving the regular evaluation of pilots . . ." when the applicant is only serving as an SIC. If one did, I certainly would question the validity of that record!

QUESTION 2: For the purpose of renewing a flight instructor certificate, can a first officer (otherwise the SIC) on a Part 121 air carrier who holds a Flight Instructor Certificate - Airplane Single Engine and Instrument-Airplane be given a renewal practical test [i.e., §61.197(a)(1)(i) during an enroute inspection or possibly during the applicant's annual First Officer re-qualification practical test in a Boeing 737. Notice, the applicant does not hold an Airplane Multiengine rating on his Flight Instructor Certificate.

ANSWER 2: §61.45(a)(1)(i) and §61.197(a)(1)(i); The answer is no on both accounts.

Definitely not during an enroute inspection, an applicant cannot be given a Flight Instructor Certificate renewal practical test because passengers would be on board. Can you imagine the field day the news media would have on the FAA Inspector and the air carrier if that were to occur and something were to happen!

And also, an applicant cannot perform a flight instructor renewal practical test in a B737 during his annual First Officer re-qualification practical test, because as it states in §61.45(a)(1)(i), ". . . an applicant for a certificate or rating issued under this part must furnish: . . . (1) An aircraft of U.S. registry for each required test that-- . . . (i) Is of the category, **CLASS**, and type, if applicable, for which the applicant is applying for a certificate or rating;

and . . ." The applicant doesn't hold an Airplane Multiengine rating on his Flight Instructor Certificate.

And to add credence to this answer, per §61.195(b) it states:
"(b) Aircraft ratings. A flight instructor may not conduct flight training in any aircraft for which the flight instructor does not hold:
(1) A pilot certificate and flight instructor certificate with the applicable category and **class rating**; and
(2) If appropriate, **a type rating**."
{q&a-280}

QUESTION: The Dallas SW05 District Office supports one flight instructor workshop monthly in our district. The CFI renewal based on attendance of at least eight meetings (16 hours) prior to renewal has been received favorably. Several Chief Flight Instructors from 141 Certificated Flight Schools also attend these workshops on a regular basis.

This question has been presented to me, "Can these workshops be counted in lieu of the annual FIRC for 141 Chief Flight Instructors?"

Additionally, and a follow-up question, a CFI renewal based on attendance at these SW05 District Office flight instructor workshop monthly meetings can their flight instructor certificates be renewed on the basis of "acquaintance?"

ANSWER: Ref. §141.79(c) and §61.197(a)(2)(ii); The answer is yes, a FSDO may accept a Part 141 Chief and Assistant Chief Instructor's attendance and SATISFACTORY PERFORMANCE at SW FSDO5's workshops as meeting the requirements of §141.79(c). Section 141.79(c) is silent on the specifics of this issue, and it only states "Each chief instructor and assistant chief instructor assigned to a training course must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course."

However, I must tell you that I become quite sensitive when I hear the often stated general remark about "renewing a flight instructor certificate on the basis of acquaintance." NOT TRUE. No place in the rule [§61.197] nor in FAA Order 8700.1 does it state that a person's flight instructor certificate may be renewed merely on the basis of ACQUAINTANCE. Only on the back of FAA Form 8710-1 does it erroneously mention the word ACQUAINTANCE. Hopefully that is going to change in the near future when we change FAA Form 8710-1. In reviewing §61.197(a)(2)(i), it reads "A record of training . . ." and paragraph (ii) reads "A record showing . . ." Never does it mention the word ACQUAINTANCE. And in §61.197(a)(2)(iii) it requires a flight instructor to attend a FIRC.

I want to emphasize that you should not consider SW FSDO 5's workshops as meeting the requirements of §61.197(a)(2)(iii). Because those workshops are not an approved Flight Instructor Refresher Clinic. I know it wasn't said, but it appears your question may have been implying it? If a flight instructor is being renewed by attending SW FSDO 5's monthly workshops then the renewal is being accomplished in accordance with §61.197(a)(2)(ii) as the FSDO would have personal knowledge of the flight instructor applicant's ability and

SATISFACTORY PERFORMANCE at the workshop as a flight instructor, as in the provision of ". . . in a position involving the regular evaluation of pilots . . ." [i.e., §61.197(a)(2)(ii)]. {q&a-264}

QUESTION: Ref. §61.197; The question is, is an Aviation Safety Inspector-Operations (ASI) required to hold a flight instructor certificate to renew a flight instructor certificate based on: 1. Graduation certificate from a FIRC; 2. Activity; or 3. Acquaintance.

ANSWER: Provided there is no practical test (i.e., oral and/or flight test) involved in the renewal of a flight instructor certificate, then yes it's permissible for ASI's-Operations and AST's, who do not hold a flight instructor certificate to renew a flight instructor certificate. However, the basis for renewal must be and ONLY BE because the:

1. Applicant's activity conforms to §61.197(a)(2)(i);

   §61.197(a)(2)(i) states "(i) A record of training students showing that, during the preceding 24 calendar months, the flight instructor has endorsed at least five students for a practical test for a certificate or rating and at least 80 percent of those students passed that test on the first attempt;"

2. Applicant's duties and responsibilities conform to §61.197(a)(2)(ii); or

   §61.197(a)(2)(ii) states "(ii) A record showing that, within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots; or"

3. Applicant holds a current graduation certificate from a FIRC in accordance with §61.197(a)(2)(iii).

   §61.197(a)(2)(iii) states "(iii) A graduation certificate showing that, within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both."

If a practical test (i.e., oral and/or flight test) is involved in the renewal of the flight instructor certificate, then an ASI who holds ". . . pilot and flight instructor certificates in the category and class for which they conduct certification tests . . ." is required, as per:

FAA Order 8700.1, Vol. 2, page 1-4, paragraph 3, which states: "Inspectors must possess the pilot and flight instructor certificates in the category and class for which they conduct certification tests."

And FAA Order 8700.1, Vol. 2, page 1-4, paragraph 3.C., which states: "Inspectors hired after January 1986 may not conduct practical tests for flight instructor applicants before successfully completing the Pilot Certification Testing Procedures Course (Course No. 21100)." {q&a-238}

QUESTION 1: I just want to confirm with you the interpretation of FAR 61.197(a)(2)(iii). Based on Thursday's conversation, it is our understanding that graduation certificates no longer have a 90 day period during which they are considered valid. Instead, FIRC graduation certificates may be used as the basis for a renewal (assuming the certificate has not expired) as long as it is presented within the preceding 3 calendar months of graduation. Your example cites a May 31, 1998 expiration in which the applicant submits for renewal on or after February 1, 1998.

ANSWER 1: The FIRC graduation certificates are now valid for 3 calendar months. The "90 day" statement at the bottom of the FIRC graduation certificates can be ignored because the new §61.197(a)(2)(iii) now applies. Per §61.197(a)(2)(iii):

(iii) A graduation certificate showing that, within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both.

QUESTION 2: To use another example: ...a person completing one of our FIRC programs on August 16 would have to submit their certificate for renewal prior to November 30. Or, put another way, that person would have the remainder of August, all of September, October and November to submit an application for renewal. If that person had an expiration date of December 31, then the latest date they could submit for renewal would be November 30, and their new certificate would carry a November 30th expiration date.

ANSWER 2: Your example is correct. Ref. §61.197(b)(2); A person who completes a FIRC on August 16 would have to submit their certificate for renewal prior to November 30 to retain the November expiration month. Below is what was written in the preamble of the final rule (78 FR 20285; April 23,1998):

"Paragraph (b)(2) allows a person who accomplishes any of the renewal requirements of paragraph (a) in the 3 calendar months preceding the expiration month of the person's current flight instructor certificate to renew their certificate for an additional 24 months from the month of expiration of the current flight instructor certificate. However, as previously noted, if renewal is accomplished under paragraph (b)(2) through the presentation of a graduation certificate from an FIRC, that course must have been completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate. For example, if a person whose current flight instructor certificate expires on May 31, 1998, seeks to renew his or her certificate through presentation of a graduation certificate from an FIRC and obtain a new expiration date of May 31, 2000, that person must complete the FIRC and present the graduation certificate to the Flight Standards Inspector on or after February 1, 1998. The 3-calendar-month window is computed from the first day of the expiration month rather than the last day of the expiration month of the current flight instructor certificate. Therefore, if a person's flight instructor certificate expires on May 31, 1998, the 3-calendar-month window is computed from May 1, 1998."

QUESTION 3: Situation: a flight instructor renewal applicant completed a flight instructor refresher clinic (FIRC) on January 4, 1998. The applicant's flight instructor certificate does not

expire until July 31, 1998. This applicant wants to hold onto to his FIRC graduation certificate until April 3, 1998 (i.e., the 90th day) and then submit it to the FAA Flight Standards District Office and still be able to retain his original flight instructor certificate expiration month of July. In effect, this applicant wants to combine the (three month validity) benefits of the FIRC graduation certificate and the 3 calendar months (window) of §61.197(b)(2). Can this be done?

ANSWER 3: **ABSOLUTELY NOT.** No way does the rule allow the applicant to combine the FIRC graduation certificate plus 3 calendar month. In this situation, the applicant's new expiration date on his flight instructor certificate would be April 30, 2000; Ref. §61.197(b), in pertinent part, states:

(b) The expiration month of a renewed flight instructor certificate shall be 24 calendar months from--

(1) **The month the renewal requirements of paragraph (a) of this section are accomplished**; or

(2) The month of expiration of the current flight instructor certificate provided--

(i) The renewal requirements of paragraph (a) of this section are accomplished within the 3 calendar months preceding the expiration month of the current flight instructor certificate, and

(ii) If the renewal is accomplished under paragraph (a)(2)(iii) of this section, the approved flight instructor refresher course must be completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate.

{q&a-175}

QUESTION: We just wanted to bring to your attention that one of our pilot examiners added a rating to a CFI and renewed the applicant for an additional two years beyond his Jan 2000 renewal month which put his expiration date to Jan 2002 (he apparently just received his initial CFI in Jan 98). Our POI asked him why and he said because the Pilot Examiner handout and §61.197(a) told him that he could do that and sure enough, it literally does say that in the handout and in 61.197 (a).

We told him to stop interpreting it that way, but maybe there are others who are doing the same thing. If we are wrong on this issue, could you let us know?

ANSWER: Reference §61.197(b). You are not wrong. The applicant's flight instructor certificate cannot be renewed for 48 months. The complete regulation quote would have included 61.197(b) that specifies the **"within the 90 days preceding the expiration month"** window." The examiner either did not read far enough or his understanding of §61.197(b)(2) is not correct. Additionally, the handout that was part of the basis for this question was not intended to be the complete regulation, but made for pointing out where changes have occurred..

In answer to this question, let me use the following example: A person's flight instructor certificate expires on May 31, 1998 but that person accomplished one of the renewal procedures of §61.197(a) on February 24, 1998. You may ask do these dates fall within the **"within the 90 days preceding the expiration month"** provision in the new §61.197?

The answer is yes the completion date fell within the "90 day window." The new §61.197(b) states:

(b) If a person accomplishes the renewal requirements of paragraph (a)(1) or (a)(2) of this section **within the 90 days preceding the expiration month** of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be **renewed for an additional 24 calendar months from its expiration date.**

Therefore as an example, a person successfully completes a FIRC "within the 90 days preceding the expiration month of his or her flight instructor certificate." And further, that person's flight instructor certificate was to expire on May 31, 1998. In computing the "90 day window" provisions of §61.197, that person may complete the FIRC [and really any of the renewal provisions of §61.197(a)] on or after January 31, 1998 and have their certificate renewed for an additional 24 calendar months with a new expiration date being May 31, 2000. Otherwise, you compute the 90 days from the 1st day of the expiration month and go backward 90 days. Therefore, a person's flight instructor certificate that expires on May 31, 1998, you compute the 90 days from May 1, 1998 date which when counting backwards falls on the date of January 31, 1998. January 31, 1998 is also the earliest date that a person may complete the clinic and be afforded the "90 day window" relief provided in §61.197. In reality when actually counting 90 days backwards, the "90 day window" provisions of §61.197 is actually a 120-day window. You compute the "90 day window" backward from the first day of the expiration month of the certificate, not the last day of the expiration month.

For your information, an additional clarification change to §61.197 is coming in an upcoming final rule correction. In response to FAA management's desires, I have been directed to change §61.197 back to permitting a person to complete an approved flight instructor refresher clinic (FIRC) to renew their certificate, even if it was not completed within the "90 day window" but the new rule will still require that the flight instructor certificate to not have expired. As an example, the clarification change will permit a person who wants to attend a FIRC once a year, once a month, or once a week will be permitted to do so and be given a new expiration date. {q&a-121}

QUESTION 4: The way §61.197 [i.e., §61.197(a)] is worded it does not appear that it allows for a flight instructor to renew with FIRC except 90 days prior. Meaning if a flight instructor wants to renew every year, he could not do it. I believe you need a provision added to §61.197(a)(1) as a new (iii). You could do that under the existing §61.197, did you mean to stop that practice?

ANSWER 4: No, we did not intend to stop that practice.

We will revise §61.197 and add a new (a)(3) to read as follows:

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

(1) Passes a practical test for renewal of the flight instructor certificate;

(2) Passes a practical test for an additional flight instructor rating; or

(3) Has a graduation certificate that proves successful completion of an approved flight instructor refresher course; or

(b) A person who holds a flight instructor certificate that has not expired, may present to an authorized FAA Flight Standards Inspector—

(1) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(2) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(3) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, within the 90 days preceding the expiration month of his or her flight instructor certificate.

(c) If a person accomplishes the renewal requirements of paragraph (a) or (b) of this section within the 90 days preceding the expiration month of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(d) The practical test required by paragraph (a)(1) or (2) of this section may be accomplished in an approved flight simulator or approved flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

{q&a-33}

QUESTION 1: 61.197(a) allows a CFI to renew based on completion of an FIRC 90 days before their expiration month. This seems to translate to between 118-121 days (depending on how many days in the expiration month). HOWEVER, our order says these certificates expire 90 days after they are issued. So if a CFI expires August 31, 1997; completed an FIRC on June 2nd; the CFI could be renewed up until August 1st but on Aug 2nd the FIRC graduation certificate will have expired (91 days old). Do we intend to allow these certificates to be used from 90 days before the expiration month to the end of the expiration month?

QUESTION 2: Explain how to interpret. For example, a person's flight instructor certificate expires on May 31, 1997 but that person accomplished one of the renewal procedures of §61.197(a) on February 24, 1997. Do these dates fall within the **"within the 90 days preceding the expiration month"** provision in the new §61.197?

ANSWER 1: YES; 2: YES

The new §61.197 states:

§ 61.197 Renewal of flight instructor certificates.

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

(1) Passes a practical test for—

(i) Renewal of the flight instructor certificate; or

(ii) An additional flight instructor rating; or

(2) Presents to an authorized FAA Flight Standards Inspector—

(i) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(ii) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(iii) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, **within the 90 days preceding the expiration month** of his or her flight instructor certificate.

(b) If a person accomplishes the renewal requirements of paragraph (a)(1) or (a)(2) of this section **within the 90 days preceding the expiration month** of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(c) The practical test required by paragraph (a)(1) of this section may be accomplished in a flight simulator or flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

Therefore as an example, a person successfully completes a FIRC "within the 90 days preceding the expiration month of his or her flight instructor certificate." And further, that person's flight instructor certificate was to expire on May 31, 1997. In computing the "90 day window" provisions of §61.197, that person may complete the FIRC [and really any of the renewal provisions of §61.197(a)] on or after January 31, 1997 and have their certificate renewed for an additional 24 calendar months with a new expiration date being May 31, 1999. Otherwise, you compute the 90 days from the 1st day of the expiration month and go backward 90 days. Therefore, a person's flight instructor certificate that expires on May 31, 1997, you compute the 90 days from May 1, 1997 date which when counting backwards falls on the date of January 31, 1997. January 31, 1997 is also the earliest date that a person may complete the clinic and be afforded the "90 day window" relief provided in §61.197. In reality when actually counting 90 days backwards, the "90 day window" provisions of §61.197 is actually a 120-day window. You compute the "90 day window" backward from the first day of the expiration month of the certificate, not the last day of the expiration month.

Please review my earlier answer to this question that is attached. But in answer to your specific question, you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1). So in applying the "90 day window" computation, anytime on or after August 3 falls "within the 90 days preceding the

expiration month" provisions of §61.197 for a November 30, 1997 expiration date.
{q&a-48}

QUESTION: Another question has come up--this time on the correct procedure for determining the 90 day window for submitting an application in advance of the expire month. Effective August 4, FAR 61.197(b) was changed from expiration date to expiration month.. What is this a correct interpretation of the rule?

ANSWER: To use an example, let's take a certificate expiring in November. Since the language states "90 days preceding the expiration month," you count backwards from you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1) the first day of the expiration month, not the last day. So in applying the "90 day window" computation we would start the count on October 31 and count backwards to August 3, which is the 90th day. A person graduating from a FIRC course on August 3 would be within the 90 day period preceding the month of expire and thus would qualify to retain their original expiration month of November. A graduation date of August 1 or 2 would not qualify since it would be more than 90 days from the expiration month and not within the provisions of §61.197 for a November 30, 1997 expiration date.
{q&a-14}

QUESTION 4: In §61.197(a)(2)(ii), it says ". . . or in a position involving the regular evaluation of pilot . . ." This is different wording than the old rule, because we could renew Part 121 airline captain just because they were Part 121 airline captains. Can we still renew airline captains?

ANSWER 4: It depends on just like the rule states: "(2) Presents to an authorized FAA Flight Standards Inspector--
* * * * *
(ii) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a
. . . . or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards." Emphasis added "in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards."

So, just because the person is an airline captain doesn't automatically allow that applicant to be renewed. However, if that Part 121 airline captain has "A record that shows that within the preceding 24 calendar months . . . in a position involving the regular evaluation of pilots . . ." and "in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards," then YES that Part 121 airline captain's flight instructor certificate can be renewed.

The purpose of rewriting this rule was to require and establish quality requalification standards. And additionally, it was to once and forever stop renewing applicants on acquaintance. We

never could renew on merely "acquaintance" even in the old rule. Nor did Order 8700.1 ever permit it. There always had to be some duties and responsibilities to go along with the renewal, so the applicant's flight instructor qualities could be judged. Where that misconception came from was the back of the FAA Form 8710-1 "Airman Certificate and/or Rating Application where in the Inspector's Report portion of the form it is noted "Acquaintance."

As follows are some examples of ". . . in a position involving the regular evaluation of pilots . . ."

A person who regularly give aircraft checkouts at an FBO and the Inspector is aware of that applicant's duties, responsibilities, and quality of instruction could be renewed on the basis the applicant is ". . . in a position involving the regular evaluation of pilots . . ."

Additionally, a Part 135 airline captain who is ". . . in a position involving the regular evaluation of pilots . . ." and "in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards," then YES that Part 135 airline captain's flight instructor certificate could be renewed.

Additionally, a PIC on a SK-61 Sikorsky helicopter for a Part 133 operation who is ". . . in a position involving the regular evaluation of pilots . . ." and "in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards," then YES that Part 133 PIC's flight instructor certificate could be renewed.

{q&a-73}

61.199

QUESTION: Per § 61.199(a), is it permissible for a flight instructor certificate to be reinstated (i.e., the flight instructor certificate has expired) on the basis of an applicant accomplishing an additional flight instructor rating practical test, even though the applicant was not tested on his existing flight instructor ratings? As for example, a person holds an expired flight instructor certificate (a certificate that was issued on or after November 1, 1975) with the following ratings: Airplane Single Engine, Airplane Multiengine, and Instrument-Airplane. The applicant is now requesting to renew his flight instructor certificate by accomplishment of a practical test for an additional flight instructor-Rotorcraft – Helicopter rating.

ANSWER: Ref. § 61.199(a); Yes, it is permissible for a flight instructor certificate to be reinstated on the basis of an applicant accomplishing an additional flight instructor rating practical test.

Answered by the FAA's Donald P. Byrne, Assistant Chief Counsel, Regulations Division

July 14, 2000

Ms. Kathy Minner
Technical Specialist
Aviation Services Department
Aircraft Owners and Pilots Association
421 Aviation Way

Frederick, MD 21701-4798

Dear Ms. Minner:

This is in response to your letter dated February 4, 2000, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding section 61.199(a) (14 CFR section 61.199(a)). Specifically, you are concerned about the reinstatement of expired flight instructor certificates and ratings.

As you point out in your letter, section 61.199(a) provides, in pertinent part, that the holder of an expired flight instructor certificate may exchange that certificate for *a new certificate with the same ratings* by passing a practical test *for one of the ratings listed on the expired flight instructor certificate*. (Emphasis added)

You also point out in your letter that the General Aviation Inspector's Handbook provides, in pertinent part, that the holder of an expired flight instructor certificate may have all ratings on the certificate reinstated by satisfactorily completing a single practical test.

You think the General Aviation Inspector's Handbook indicates that "any" practical test for a flight instructor certificate or rating would reinstate the expired flight instructor certificate and all the ratings on it. Based on that, you don't think that the holder of an expired flight instructor certificate is limited to taking a practical for one of the ratings listed on the expired flight instructor certificate to reinstate it as provided for under section 61.199(a). Accordingly, you ask "may a flight instructor reinstate an expired flight instructor certificate by taking any practical test for a flight instructor certificate or rating, or must it be confined to one of those listed on the expired certificate as it seems to state in the regulation." The answer to this question is discussed below.

Section 61.199(a) applies when the holder of an expired flight instructor certificate only seeks to have that certificate reinstated with the same ratings. It has been the policy of the Flight Standard Services (AFS-800), as articulated in the General Aviation Inspector's Handbook, to allow the holder of an expired flight instructor certificate who seeks an additional rating to one of those listed on the expired certificate, to reinstate the expired flight instructor certificate, and all the ratings on that expired certificate, by taking, and passing, a practical test for the additional rating sought. As a result, the holder of an expired flight instructor certificate may have that certificate and all of the ratings listed on it reinstated by taking, and passing, any practical test for a flight instructor certificate or rating.

I hope this satisfactorily answers your question.

Sincerely,

/s/ Donald P. Byrne
Assistant Chief Counsel
Regulations Division

{q&a-387}

QUESTION 2: 61.199(a) states that an expired CFI may be exchanged (reinstated) by passing a practical test prescribed in 61.183(h). After reading 61.183(h) one could conclude it to mean that a practical test is required for each rating.

ANSWER 2: One test renews all. There was no change intended. However, FAA Order 8700.1, Vol 2, Chapter 11 is my next project to rewrite to clarify this matter
{q&a-13}

QUESTION 1: For example, a person holds a flight instructor certificate with the following ratings: Airplane Multiengine, Airplane Single Engine, Glider, Rotorcraft-Helicopter, Instrument-Airplane and Helicopter. The certificate expired on July 30 ,1997. And today is September 2, 1997. Does the rule allow for satisfactory completion of one practical test to renew for all the ratings? For example, does the rule allow for completion of a Flight Instructor-Airplane Singe Engine practical test in a Cessna 152 and a satisfactory completion of that practical test renew all the person's flight instructor ratings?

ANSWER 1: Yes, completion of one practical test allows an exchange (re-instatement of) for all the person's flight instructor ratings. Review the new §61.199(a) which states:

(a) Flight instructor certificates. The holder of an expired flight instructor certificate may exchange that certificate for a new certificate by passing **a** practical test prescribed in § 61.183(h) of this part.

Read the words ". . . by passing **a** practical test . . ." It doesn't say multiple practical tests, it says ". . . by passing **a** practical test . . ." In this case "**a**" means one.

However, this applies to the Flight Instructor certificate and ratings that were issued after November 1, 1975. If a person holds one of the old flight instructor certificates and ratings that was issued prior to November 1, 1975, review Order 8700.1, page 11-3, paragraph 13.
{q&a-50}

61.213

CORRECTION to Q&A #244: Actually, this is the addition of question #3 and the answer. The additional question from Airman Records was stimulated by the original questions and answers.

QUESTION 3: Scenario: An airman who already holds basic and instrument ratings, takes the advanced knowledge test, should we only be showing the ADVANCED rating now?

When ground instructor was added to Part 61, there were changes such as a basic and an instrument rating are no longer equivalent to an advanced rating as they used to be under old Part 143. In your Q & A you state that the holder of an advanced rating is NOT required to hold an

instrument rating because they can recommend ANY certificate or knowledge test issued under Part 61, including instrument.

We have NEVER shown both basic and advanced ratings on a ground instructor certificate. If the airman had the ADVANCED rating, certainly it also covered the BASIC rating. If the airman already held the BASIC rating and passed the ADVANCED rating knowledge test, only the ADVANCED rating was ever shown.

We have ALWAYS shown the INSTRUMENT rating even if the airman held the ADVANCED rating. My question is: Now that the ADVANCED rating conveys instrument privilege as well as basic privileges, should we only show the ADVANCED rating on the certificate even if the airman has tested in all ratings?

ANSWER 3: Per §61.213(a)(4)(ii), and (iii), the certificate would show "ADVANCED" and "INSTRUMENT" ratings if the applicant has qualified for all three ratings (i.e., basic, instrument, and advanced). Since the adoption of the new Subpart I (and specifically §61.213) of Part 61, we no longer automatically issue the ADVANCED ground instructor rating if the applicant passes the BASIC and INSTRUMENT rating knowledge tests. The applicant now must pass the ADVANCED ground instructor rating knowledge test.

I realize FAA Order 8700.1 is severely out of date that covers this question. But I can tell you that the revision to FAA Order 8700.1 on this issue has been made by me, but unfortunately the official document is still under review by our writer/editors. As for when the change to FAA Order 8700.1 will be issued, I don't know.

However, for the record I did make a mistake in the drafting of the final rule, §61.215(b), because the knowledge test for the ADVANCED ground instructor rating does not adequately cover the areas for INSTRUMENT privileges. However, my mistake became a final rule and for now we have to live with it. But there is a draft NPRM under review that revises back the privileges for the ADVANCED ground instructor rating that will only allow ground instructors with the ADVANCED rating to provide ground training that exclude the training required for an instrument rating. This was a mistake I made on the drafting of §61.215(b) when this final rule came out on August 4, 1997.
{q&a-244}

QUESTION 1: An AGI applicant holds satisfactory test results for the FOI, BGI, and IGI. As per FAA Order 8710.1, Volume 2, page 158-2, paragraph 7.B.(4), does the candidate gets AGI+IGI? I am told that AFS-763 says that now they only get BGI+IGI. In other words, an IGI no longer upgrades the BGI to an IGI. Is this correct?

ANSWER 1: Ref. §61.213(a)(4)(i) and (iii); The applicant would receive the following:

Ground Instructor Certificate
- Basic
- Instrument

If the applicant wants the Advanced rating, he must comply with §61.213(a)(4)(ii).

{q&a-244}

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." To what standards must applicants ". . . Be able to read, speak, write, and understand the English language. . .?" To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even "slang terms" or must the applicant only be required to ". . . Be able to read, speak, write, and understand the English language. . ." as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to ". . . Be able to read, speak, write, and understand the English language. . . ." was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

"D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement."

{q&a-198}

61.215

QUESTION 2: A rumor is going around that says an AGI only can teach instruments in a training device, and further this would qualify for an instrument rating. This rumor is based on the fact that an AGI can conduct ground training, and ground training is defined in §61.1(b)(8) as being any training other than flight training. I said such a view would negate the fact that instructors can log pilot time when acting as an instructor of a training device, and would also negate the whole point of the IGI versus the AGI and that the AGI had no substantial instrument knowledge requirement. In other words, is it true that an AGI only (no IGI rating held) can teach instruments in a training device that would qualify the applicant for an instrument rating?

ANSWER 2: Ref. §61.215(b) and (c) and §142.47; Per §61.215(b), a holder of an Advanced Ground Instructor Certificate can teach:

(1) Ground training in the aeronautical knowledge areas required for the issuance of any certificate or rating under this part;
(2) Ground training required for any flight review; and
(3) A recommendation for a knowledge test required for the issuance of any certificate under this part.

Per §61.215(c), a holder of an Instrument Ground Instructor rating is authorized to provide:

(1) Ground training in the aeronautical knowledge areas required for the issuance of an instrument rating under this part;
(2) Ground training required for an instrument proficiency check; and
(3) A recommendation for a knowledge test required for the issuance of an instrument rating under this part.

So this means, in effect, a person who holds an Advanced Ground Instructor rating can teach ". . . the AERONAUTICAL KNOWLEDGE AREAS required for the issuance of any certificate or rating under this part . . ." So, a person who holds an Advanced Ground Instructor rating can teach ". . . the AERONAUTICAL KNOWLEDGE AREAS . . ." of §61.65(b).

However, per §142.47, it is permissible for a holder of an Advanced Ground Instructor Certificate to teach instrument training in a flight simulator and flight training device in an approved course of training in a Part 142 Training Center.
{q&a-244}

QUESTION In your cc mail message of September 24, 1997 (for which I am sorry to say by mistake I deleted it), you asked whether an Instrument Ground Instructor may give training in an approved flight training device or approved flight simulator for the instrument experience required by §61.57(c) and can they also conduct the instrument proficiency check required by §61.57(d) in an approved flight simulator or approved flight training device.

ANSWER As long as the flight training devices and flight simulators are "approved" for such training and the proficiency check, then the answer is yes on both accounts. My answer is based on the policy interpretation of §61.57(d)(2)(iv), §61.215((c)(1) and (2), and the definition of ground training in §61.1(b)(8). Yes, a IGI may give the training. However, an IGI can not conduct the proficiency check.
{q&a-68}

QUESTION 2: A question has been raised about the privileges of a ground instructor. More specifically, can a ground instructor with an advanced rating provide a recommendation for an instrument knowledge test? You had previously indicated that the answer was yes and I wanted to double check this with you. FAR 61.215(b)(1) clearly states that an advanced ground instructor is authorized to give the ground training in the aeronautical knowledge areas for any

certificate or rating. However, paragraph (3) of that same section only uses the word "certificate" in talking about recommendations for knowledge tests.

ANSWER 2: Yes, the new §61.215(b) permits an AGI to give the training and endorse an applicant to take the instrument knowledge test. Yes, §61.215(b)(1) and (3) clearly say it. Read the word "any."
{q&a-71}

QUESTION 2: Can Advanced Ground Instructor (AGI) provide a recommendation for the instrument knowledge test?

ANSWER 2: Yes; per §61.215(b)(3) IT SAYS "a recommendation for a knowledge test required for the issuance of ANY certificate or rating under this part."
{q&a-73}

QUESTION 7: Does 61.215 Ground Instructor Privileges stated as "ground training in the aeronautical knowledge areas required" allow a ground instructor to give training in a flight simulator or flight training device?

ANSWER 7: YES. This is within the definition of ground training; "training other than flight training received from (given by) and authorized instructor."
{q&a-60}

61.217

QUESTION 1: How do you count the 3 months in §61.217(a) which states: "The person has served for at least 3 months as a ground instructor; or"? Does the 3 months have to be consecutive?

ANSWER 1: No, it doesn't have be consecutive. Just like the rule states:

> ". . . within the preceding 12 months: (a) The person has served for at least 3 months as a ground instructor; or"

As an example, if a person can show some kind of documentation that he or she taught a ground school lesson at a Flight Instructor Refresher Course and can show some starting and ending dates that amount to 3 months or can show some documentation that shows employment or activity as a ground instructor for 3 months, then that is acceptable.

So sometime during the preceding 12 months, the person must have served as a ground instructor for at least 3 months during the preceding 12 months. No, you don't need to count the time by the minute, by the day, or by the week to come up with 3 months. If a person can show some kind of employment or activity as a ground instructor that amounts to 3 months during the preceding 12 months, then accept it. Basically, the purpose of this rule is to require a holder of a ground instructor certificate to maintain some semblance of recent experience. KEEP IT SIMPLE.

{q&a-90}

QUESTION 3: A question has been raised about the currency requirements for ground instructors under FAR 61.217. The regulation states that to perform the duties of a ground instructor you must, within the last 12 months, have served for at least 3 months as a ground instructor. If a person does not meet this requirement, how would they renew their currency? Is the three month period consecutive? What is the purpose of this regulation.

ANSWER 3: In accordance with §61.217(b), the ground instructor must have ". . . demonstrated satisfactory proficiency in the subject areas prescribed in §61.213(a)(3) and (a)(4), as applicable." It can be either be demonstrated to another ground instructor, a flight instructor, examiner; or the person may give ground training to a class while another ground instructor, a flight instructor, or examiner monitors the class.

No, it does not have be consecutive. Just like the rule states ". . . within the preceding 12 months: (a) The person has served for at least 3 months as a ground instructor; or" So, sometime during the preceding 12 months and the time must accumulate to at least a total of 3 months of time, the person must have served as a ground instructor. The purpose of this rule is to require a holder of a ground instructor certificate to maintain some semblance of recent experience.
{q&a-71}

QUESTION 3: If a ground instructor has not met the recency experience requirements of §61.217(a), how does that ground instructor get current? Is the 3 months of recency experience requirements of §61.217(a) have to be concurrent? What was the purpose of requiring 3 months of recency experience requirements in §61.217(a)?

ANSWER 3: Just like it says to do in §61.217(b). It says: "(b) The person has received an endorsement from an authorized ground or flight instructor certifying that the person has demonstrated satisfactory proficiency in the subject areas prescribed in Sec. 61.213 (a)(3) and (a)(4), as applicable."

So, get hooked up with another CGI or a CFI and get the endorsement.

No, the 3 months don't have to be concurrent. Just show me 3 months of giving ground training within the preceding 12 months. We don't care if we have to add it up a day at a time, just so we can see a total of 3 months.

The purpose of the rule was to require some degree of recency within our ground instructor personnel. Personally, we don't believe requiring 3 months of recency every 12 months is asking too much.
{q&a-73}

SFARs

SFAR 73-1

QUESTION 2: Ref. SFAR No. 73-1, paragraph 2.(c)(3); Does a pilot who meets the requirements of 14 CFR 61.56(d) by taking an FAA practical test with a DPE or FAA Inspector in an R-22 for the issuance of a certificate, or CFI initial, renewal or reinstatement still have to meet the requirements of SFAR 73-1(c)?

ANSWER 2: Ref. SFAR No. 73-1, paragraph 2.(c)(3); The answer is an applicant must comply with SFAR No. 73-1, paragraph 2.(c)(3). Which means, even though the applicant accomplished a practical test in an R-22 or R-44, as appropriate, he or she still must accomplish a flight review in an R-22 or R-44, as appropriate. Although a quick reading of §61.56(d) it may appear that it relieves a person from having to comply with the flight review requirements of SFAR No. 73-1, paragraph 2.(c); however, SFAR No. 73-1, paragraph 1. "Applicability" states in pertinent part, ". . . The requirements stated in this SFAR ARE IN ADDITION to the current requirements of part 61."

QUESTION 3: Ref. SFAR No. 73-1, paragraph 2.(c)(3); If the answer to question (2) above is yes, then what constitutes endorsement evidence acceptable to the Administrator that the requirements of SFAR 73-1, paragraph 2.(c)(3) have been met? For example: in addition to the usual practical test completion endorsement, must an endorsement by a DPE or FAA Inspector also state that the flight review requirements of SFAR 73-1, paragraph 2.(c)(3) have been met?

ANSWER 3: Ref. SFAR No. 73-1, paragraph 2.(c)(3); The standard BFR endorsement is satisfactory showing the type of aircraft used for the Flight review (i.e.; Robinson R-22 or R-44, as appropriate). The person is required to comply with SFAR No. 73-1, paragraph 2.(c)(3). Which means, even though the applicant accomplished a practical test in an R-22 or R-44, as appropriate, he or she still must accomplish a flight review in an R-22 or R-44, as appropriate.

QUESTION 4: If a DPE is authorized to conduct SFAR No. 73-1 paragraph 2.(b)(5)(iv) check-outs of CFI's who wish to give flight instruction in R-22's, and if that DPE also renews his designation by doing at least one renewal flight check with an FAA Inspector in an R-22 within the previous 24 calendar months, then is that DPE required to have a separate sign-off under SFAR No. 73-1, paragraph 2.(c)(3)?

ANSWER 4: Ref. SFAR No. 73-1 paragraph 2.(b)(5)(iv); Only one endorsement is required to meet the requirements of SFAR No. 73-1, paragraph 2.(b)(5)(iv). If the applicant wants to receive credit for a BFR in the R-22 (or R-44, as appropriate) an endorsement for the flight review of SFAR No. 73-1, paragraph 2.(c)(3) would be required.
{q&a-259}

NOTICE

THE PART 141 FREQUENTLY ASKED QUESTIONS AND THE "EXPERIENCE CHECKLIST" ARE NOW IN SEPARATE DOCUMENTS.

PLEASE GO BACK TO THE AFS-600 WEB SITE FOR LINKS TO THESE DOCUMENTS.