

FREQUENTLY ASKED QUESTIONS
14 CFR, PART 61
ARRANGED BY SECTION

CHANGE NOTICE

General Aviation and Commercial Division, AFS-800

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REVISION #21, DATE: October 12, 2004
INCORPORATES NEW Q&A Nos: 201a, 290a, 377a, 529a, 539a, and 613 through 640
WITH THE PREVIOUS Q&As Nos. 1 through 612

UPDATE YOUR FAQs at:

Part 61 FAQs at: <http://www.faa.gov/avr/afs/afs800/docs/pt61FAQ.doc>

Part 141 FAQs at: <http://www.faa.gov/avr/afs/afs800/docs/pt141FAQ.doc>

Additional document and linkage for the "Aeronautical Experience Check List" which is a file that contains an aeronautical experience checklist to assist in checking an applicant's FAA Form 8710-1-Airman Certificate and/or Ratings: <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>

The source of answers is from John D. Lynch, Certification And Flight Training Branch, AFS-840, Washington, DC unless otherwise noted.

Disclaimer Statement: The answers provided to the questions in this website are not legal interpretations. Only the FAA's Office of Chief Counsel and Regional Chief Counsel provide legal interpretations. The FAA's Office of Chief Counsel does not review this website nor does it disseminate legal interpretations through it. However, there are some answers provided in this website where the FAA Office of Chief Counsel's legal interpretations have been reprinted.

The answers in this website address *Frequently Asked Questions* on 14 CFR Part 61 and represents FAA Flight Standards Service policy as it relates to this regulation. The answers are as result of questions asked by FAA Flight Standards Service's Regional Offices, District Offices, and from concerned people from the public. The answers provide for standardization.

Policy statement about this Q&A document from the Director of Flight Standards Service, AFS-1



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

Memorandum

Subject: **INFORMATION:** Flight Standards Service
websites that answer questions about Part 61,
Part 141, and Part 142.

Date: JUN 3 2004

From: Director, Flight Standards Service, AFS-1

Reply to: J. Lynch; (202) 267-3844 and
Attn. of: R. Grasel; (202) 493-4319

To: All Regional Flight Standards Service Managers
and Flight Standards District Office Managers

The General Aviation and Commercial Division, AFS-800, Flight Standards Service has established 4 official websites that provide answers to questions on Part 61, Part 141, and Part 142. These websites are located at:

"Part 61 FAQs": <<http://www.faa.gov/avr/afs/afs800/docs/pt61FAQ.doc>>

"Part 141 FAQs": <<http://www.faa.gov/avr/afs/afs800/docs/pt141FAQ.doc>>

"Part 142 Training Centers": <<http://intranet.faa.gov/avr/afs/part142/index.htm>>

"Part 142 Training Centers": <<http://www.faa.gov/avr/afs/afs800/afs840/part142/index.cfm>>

Those websites are maintained by the FAA's Certification and Flight Training Branch, AFS-840.

There is a disclaimer statement at the beginning of each of these websites that state the answers provided are not legal interpretations. Only the FAA's Office of Chief Counsel and Regional Chief Counsel provide legal interpretations. However, it is important that our personnel be aware of these websites. I want it understood that the answers and information provided on these websites are official FAA Flight Standards policy about Part 61, Part 141, and Part 142.


James J. Ballough

The following are a listing of the new Q&As that have been added or revised:

Q&A-35 Modified the answer by removing the aeronautical experience requirements from the answer and then adding a statement to inform the reader to "Please review the Aeronautical Checklist for the required aeronautical experience. [See "Aeronautical Experience Check List" at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>]."

Q&A-189 Modified the answer by removing the aeronautical experience requirements from the answer and then adding a statement to inform the reader to "Please review the Aeronautical Checklist for the required aeronautical experience. [See "Aeronautical Experience Check List" at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>]."

Q&A-201a Flight Standards HBGA 00-08, paragraphs 2. D. and 3 and § 141.39(d); What is meant by "two pilot stations?" Are engine power controls the only controls that are required? What about rudder controls? How about brake controls? How about flight controls? [**Located in the Part 141 FAQs**]

Q&A-290a § 61.75(b)(2)(i) and FAA Order 8700.1, Vol. 2, Chapter 29, page 29-9, paragraph 3. *S.(1), (b), (2), (f)*; A person's foreign pilot license may not be under an order of suspension or revocation.

Q&A-377a § 61.55(d)(4); § 61.3(e); § 61.23(a)(3)(i); § 61.57(a)(1); and § 91.109(b)(1); If the safety pilot is not acting/serving as the PIC (otherwise is serving as the SIC), then a safety pilot is only required to comply with § 91.109(b)(1) which requires that a safety pilot "... possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown." And per § 61.23(a)(3)(i), a safety pilot must hold at least a third class medical certificate.

Q&A-377a § 61.57(a)(1); The § 1.1 PIC must be takeoff and landing current.

Q&A-529a § 61.55(d)(4); § 61.3(e); § 91.109(b); A safety pilot who is not acting as the PIC is not required to meet the instrument rating requirements of § 61.3(e).

Q&A-532a § 61.31(a)(1) § 61.31(a)(1) and § 61.5(b)(5)(iii); and FAA Order 8700.1, Vol. 2, page 9-15, Figure 9-3, "Pilot Certificate Aircraft Type Designations-Rotorcraft"; A person who acts as a PIC in a Sikorsky 58 (as per FAA Order 8700.1, all series of Sikorsky 58 helicopters) must hold a SK-58 type rating on his/her pilot certificate.

Q&A-539a § 61.3(a)(2); Correction on photo identification Q&As.

Q&A-613 FAA Order 8700.1, Vol. 2, Chapter 15, Section 1, page 15-10, paragraph 23.A. and *C.(1) and (2)* and FAA Order 8710.3D, page 3-3, paragraph 7 [Locate under Appendix 1 of the Q&A Document]; Examiner renewal cycle requirements.

Q&A-614 Various Part 141 Questions from AMC-230 [**Located in the Part 141 FAQs**]

Q&A-615 § 61.53(b); and the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules NPRM; (60 FR 41198; August 11, 1995); and FAA Order 8710.3C, page 2-1, paragraph 3.A.(5); The rule [*i.e.*, § 61.53(b)] would not prevent him from exercising the privileges of his Glider rating even while he is under a 2-year medical suspension hold for operating an airplane.

Q&A-616 Various Part 141 Questions from AMC-230 [**Located in the Part 141 FAQs**]

Q&A-617 § 61.133(b); 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" should have been placed on the person's pilot certificate.

Q&A-618 § 61.165(e)(4); FAA Order 8700.1, Vol. 2, Chapter 7, page 7-2, paragraph 9; and Airline Transport Pilot PTS, page 8, *Seaplane Class Rating*; In order to upgrade the person's Airplane Multiengine Sea rating to the ATP certification level, the person must "... Pass a practical test on the areas of operation of § 61.157(e), appropriate to the aircraft rating sought."

Q&A-619 § 61.113(g); Yes, a person who holds “. . . A private pilot who meets the requirements of § 61.69 of this part may act as pilot in command of an aircraft towing a glider . . .” And yes, a private pilot who meets the requirements of §61.69 of this part may log pilot in command flight time while towing a glider. That is what was intended when paragraph § 61.113(g) was drafted into Part 61.

Q&A-620 § 61.83(a); A person is merely a passenger and may not log flight time until the person is 16 years of age (in powered aircraft) or 14 years of age (in gliders and balloons).

Q&A-621 § 61.1(b)(3)(ii); Both of your Examples Nos. 1 and 2 conform to § 61.1(b)(3)(ii). They are good cross country flights.

Q&A-622 § 61.1(b)(2); § 61.193; and FAA Order 8700.1, Vol. 2, page 59-3, paragraph 4.B.(5)(b); My question pertains to the phrase “. . . Received ground and flight training from an instructor qualified to conduct Copter ILS approaches to 100 HAT as PIC . . .” in FAA Order 8700.1, Vol. 2, page 59-3, paragraph 4.B.(5)(b). What are the qualifications of “. . . an instructor qualified to conduct Copter ILS approaches to 100 HAT as PIC . . .”?

Q&A-623 § 61.1(b)(3)(ii) and § 61.109(a)(5)(ii); You may comply with the 150 NM, 3-leg cross country requirement never having gone more than 51 NM from your home airport.

Q&A-624 Ref. § 61.165(e)(4); FAA-S-8081-5D-Airline Transport Pilot And Aircraft Type Rating Practical Test Standards for Airplane, on page 8; As per § 61.165(e)(4), the rule requires that an applicant “. . . Pass a practical test on the areas of operation of §61.157(e) appropriate to the aircraft rating sought.” *Meaning*, an applicant for the addition of an Airplane Multiengine Sea rating at the ATP certification level must pass the Airplane Multiengine Sea rating practical test at the ATP certification level. The Airline Transport Pilot And Aircraft Type Rating Practical Test Standards, FAA-S-8081-5D, does not provide any exception or abbreviated practical test.

Q&A-625 § 141.33(d)(2); Check instructor designation; § 141.5(d); The results of a comprehensive final exam may not be counted in lieu of an FAA knowledge test. § 141.35(b)(2), (c)(3), and (d)(2); Foreign flight instructor experience may not be counted toward meeting the chief instructor aeronautical experience requirements of § 141.35(b)(2), (c)(3), and (d)(2). **[Located in the Part 141 FAQs]**

Q&A-626 § 61.4(a) and § 61.65(a)(8)(ii) and Instrument Rating PTS FAA-S-8081-4D, Appendix 1-1 and Appendix 1-2; Is it legal to administer the entire Instrument – (Airplane) (Helicopter) (Powered lift) practical test in a flight simulator or flight training device? If not, how much of the Instrument – (Airplane) (Helicopter) (Powered lift) practical test is allowed to be performed in a flight simulator or a flight training device and how much is required to be performed in the aircraft?

Q&A-626 § 61.4(a) and § 61.57(d)(1)(ii); Is it legal to administer the entire Instrument Proficiency Check in a flight simulator or flight training device? If not, how much of the Instrument Proficiency Check is allowed to be performed in a flight simulator or a flight training device and how much is required to be performed in the aircraft?

Q&A-627 § 61.75(b)(4); Section 61.75(b)(4) is silent about the situation where the Canadian medical license is current in accordance with the Canadian rule for medical licensing when the § 61.75 US pilot certificate is issued, but subsequently goes over the medical licensing time limits of ICAO Annex 1, para. 1.2.5.2.

Q&A-628 FAA Notice 8700.29 paragraphs 4 and 5.b.(1); The training should be incorporated into the TCOs and need not be incorporated into the pilot school's safety procedures of § 141.93(a)(3). **[Located in the Part 141 FAQs]**

Q&A-629 § 141.85(b) and FAA Order 8700.1, pages 143-2 and 143-3, paragraph 11.B. and C.(4): No, training in the Private Pilot Airplane Single Engine Land Certification Course would not need to be terminated if the chief instructor of the Instrument Airplane Rating Course was delegated to act on behalf of the chief instructor of the Private Pilot Airplane Single Engine Land Certification Course. **[Located in the Part 141 FAQs]**

Q&A-630 [Located in the Part 141 FAQs]

§ 141.55(d)(1); The rule only requires that your pilot school have held a Part 141 pilot school certificate (emphasis added: “a pilot school certificate,” not a provisional pilot school certificate) for at least 24 consecutive calendar months preceding the month of your request for a reduced time course.

§ 141.55(d)(1); Yes, provided your pilot school has held its pilot school certificate for at least 24 consecutive calendar months preceding the month of your request for reduced time course.

§ 61.39(a)(6); A recommending instructor's signature is not required on the “Instructor's Recommendation” on the back of the FAA Form 8710-1, Airman Certificate and/or Rating Application for a graduate of an approved Part 141 course who has been issued a graduation certificate.

§ 141.35 and FAA Order 8700.1, Vol. 2, Chapter 143, page 143-1, paragraph 5.A.; Yes, an examiner may also be the owner of the Part 141 pilot school. Yes, an Examiner may serve as the Chief Instructor of a Part 141 pilot school. Yes, an Examiner who is the owner and/or chief instructor of a Part 141 pilot school may also administer practical tests to students of his/her pilot school.

Part 141, appendix I, paragraph 4(a); The minimum required course times for an add-on Airplane Multiengine Land class rating course at the Commercial Pilot Certification level.

Q&A-631 FAA Order 8710.3C; page 1-5, paragraph 3; [Locate in Appendix 1 at the end of the Part 61 FAQs document]: A designated pilot examiner may not operate outside the jurisdictional area of his/her designating FSDO without the approval of that designating FSDO and only after coordination and approval from the geographical FSDO. **[Located in Appendix 1 in the back of this Part 61 FAQs document]**

Q&A-632 § 61.55(d)(4) and § 91.109(b)(1); As per § 61.55(d)(4), the rule does provide an exception to the SIC pilot qualification requirements of § 61.55(a)(2) for being required to hold an instrument rating.

Q&A-633 § 61.113(a); Various questions concerning “compensation” issues for those voluntary pilots on Angel Flight missions.

Q&A-634 § 61.183(e)(2); No, a foreign teacher's certificate issued by a foreign country does not suffice for a current teacher's certificate issued by “. . . a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher . . .”

Q&A-634 § 61.183(e)(2); Yes, a current teacher's certificate issued by a Federal Government agency of the United States (*e.g.*, U.S. Department of Defense, U.S. Department of Education, etc.) that authorizes the person to teach at an educational level of the 7th grade or higher will suffice for passing the FOI knowledge test.

Q&A-635 § 61.109(a)(1) and § 61.109(a)(2)(i); OR § 61.109(b)(2)(i) and § 61.109(b)(1); OR § 61.109(c)(2)(i) and § 61.109(c)(1); OR § 61.109(d)(2)(i) and § 61.109(d)(1); OR § 61.109(e)(2)(i) and § 61.109(e)(1); OR § 61.109(g)(1)(ii)(A) and § 61.109(g)(1)(i); The 3 hours of cross country flight training stated in § 61.109(a)(1) may be met by complying with the night cross country flight training of § 61.109(a)(2)(i) provided the night cross country flight training totals 3 hours.

Q&A-636 § Ref. § 61.157(b)(1) and (2); § 61.39(c)(1); and § 61.41(a)(2); Since the applicant already holds the Fokker F-27 type rating on his U.K. ATP license, the applicant would not need a logbook endorsement required by § 61.157(b)(1) and (2) from a U.S. certificated flight/ground instructor. However, the person would be required to show compliance with § 61.157(b)(1) and (2) from the U.K. (British) authorized instructor who gave him the training when he earned the Fokker F-27 type rating on his U.K. ATP license.

Q&A-636 § 91.109(c); The person serving in the other pilot seat (right seat) must be fully qualified to act as the pilot in command of the aircraft. **[Located in Appendix 1 in the back of this Q&A document]**

Q&A-637 § 61.129(b)(4)(i) and § 61.129(b)(3)(iv); No, you cannot combine the § 61.129(b)(4)(i) cross country requirement with the night cross country requirement of § 61.129(b)(3)(iv).

Q&A-638 § 61.75(a); No, you cannot issue a § 61.75 U.S. Private Pilot Certificate on the basis of a foreign pilot license that was also issued on the basis of another foreign pilot license.

Q&A-639 § 61.153(d)(1), § 61.123(h), and § 61.65(a)(1); Yes, the applicant must retake the Private Pilot Certification knowledge test and practical test, Commercial Pilot Certification knowledge test and practical test, and Instrument rating knowledge test and practical test before he can reapply to take the ATP certification knowledge test and practical test.

§ 61.39(a)(6)(i) and (ii) and (iii); § 61.109(a)(4); § 61.129(a)(3)(v); § 61.65(d)(2)(ii); Yes, the applicant is required to have received the required training and have the instructor endorsement for each and every practical test.

Q&A-640 § 61.195(b)(1), (c), (e), (f), (g) and § 61.51(e)(3); Various questions on a person who holds a Flight Instructor Certificate – Instrument Airplane rating only

PART 61

QUESTION: A pilot proficiency examiner (PPE) who is currently assigned as a PPE in the “ABC” FSDO area of jurisdiction wants to permanently relocate to the “XYZ” FSDO area and has asked to be assigned to the “XYZ” FSDO area. The PPE is current and holds a current Certificate of Authority, Certificate of Designation, and a Letter of Authorization. What needs to be done to allow this PPE to be re-assigned to the “XYZ” FSDO area of jurisdiction?

ANSWER: Ref. § 61.1(b)(4); FAA Order 8710.3C, Chapter 15, page 15-3, paragraph 23; FAA Order 8700.1, Chapter 19, page 19-3, paragraph 5.A.

I have checked both FAA Order 8710.3C, Chapter 15 and FAA Order 8700.1, Chapter 19 and neither FAA Order gives any guidance that addresses the permanent relocation of a PPE from one FSDO to another.

First and foremost, the receiving office (“XYZ” FSDO) has the authority to determine whether there is a need for designating a PPE in the Dulles FSDO area of jurisdiction. (see FAA Order 8700.1, Chapter 19, page 19-3, paragraph 5 A.)

The General Aviation and Commercial Division's Certification Branch, AFS-840, is the responsible office for developing and issuing policy on examiners and matters relating to pilot certification. AFS-840 has determined all that is needed to be accomplished for this PPE to be re-assigned from the “ABC” FSDO to the “XYZ” FSDO (assuming the “XYZ” FSDO has need for the services) is for the “ABC” FSDO to administratively transfer the PPE's files to the “XYZ” FSDO. The PPE will be required to submit an updated FAA Form 8710-9 application to the “XYZ” FSDO. The “XYZ” FSDO will then issue a new Certificate of Authority, Certificate of Designation, and a Letter of Authorization to this PPE.

This has been coordinated with AFS-640, Pilot Examiner Standardization Branch.
{Q&A-482}

QUESTION: What is the legal status of the Q&A website? Considering the authority of Practical Test Standards, Public Laws, statutes, Federal Regulations, FAA Orders, FAA Notices, FAA Bulletins, legal interpretations, where

does the Q/A website fit in the degree of authority in comparison to the other references and rules? Will the Q/A website ever “go away”?

ANSWER: The legal status of the Q&A are as stated on the disclaimer statement on the front page of the Q&A document.

The answers provided in the Q&As, in the order of authority, would probably be No. 7.

1. Public Law/statutes
2. Federal Regulations
3. FAA legal interpretations (for those interpretations that have been updated to conform to the current rules).
4. FAA orders (for those directives/guidance that have been updated to conform to the current rules)
5. FAA notices (for those directives/guidance that have been updated to conform to the current rules)
6. FAA bulletins (for those directives/guidance that have been updated to conform to the current rules)
7. Parts 61 & 141 Frequently Asked Questions, (Q&As)
8. FAA Advisory Circulars

The Practical Test Standards (PTS) are not in the list. The PTS derive authority from Public Law 103-272, § 44703(a) [old § 603 of the Federal Aviation Act of 1958, as amended] which gives the FAA the legal authority to require an individual to be tested by the standards established by the FAA before the FAA is required to issue that individual an FAA airman certificate. § 61.33, provides the FAA the legal authority to conduct knowledge tests and practical test.
{Q&A-457}

QUESTION: What is the status of the information in the Part 61/141 Q/A? Is it regulatory, an order, AFS policy, FAA HQ policy.

ANSWER: The authority of the Part 61/141 Q&A website is strictly Flight Standards policy on parts 61 and 141 for standardization purposes. As we all know, only an administrative law judge can establish a legal precedent to make a rule legally binding. Even the FAA Chief Counsel offices at FAA HQ and at the regional offices only issue legal opinions. However, FAA Chief Counsel office legal opinions certainly carries more “weight/authority” than these Q&As on this website have. But only an administrative law judge can issue a legal ruling that establishes a legal precedent that makes the rule legally binding. And then there have been those times where the NTSB may overrule one of their administrative law judge's legal ruling.
{Q&A-435}

§ 61.1 Applicability & definitions

QUESTION: In accordance with § 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: 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 Certification level. And I'm assuming your cross-country was performed in a 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).

In other words, you may comply with the 150 NM, 3-leg cross country requirement by never having gone more than 51 NM from your original point of departure.
{Q&A-623}

QUESTION: My question pertains to the phrase “. . . Received ground and flight training from an instructor qualified to conduct Copter ILS approaches to 100 HAT as PIC . . .” in FAA Order 8700.1, Vol. 2, page 59-3, paragraph 4.B.(5)(b). What are the qualifications of “. . . an instructor qualified to conduct Copter ILS approaches to 100 HAT as PIC . . .”?

ANSWER: Ref. § 61.1(b)(2); § 61.193; and FAA Order 8700.1, Vol. 2, page 59-3, paragraph 4.B.(5)(b); The ground training must be given by:

- An Instrument Ground Instructor or Advanced Ground Instructor. . [See § 61.1(b)(2)(i)]
or by
- A Flight Instructor with the Rotorcraft – Helicopter and Instrument – Helicopter ratings; . [See § 61.1(b)(2)(ii)]
or by
- A person authorized by the Administrator to provide ground training under SFAR No. 58, or part 61, 121, 135, or 142 of this chapter when conducting ground training in accordance with that authority. [See § 61.1(b)(2)(iii)]

The flight training must be given by a:

- Flight Instructor with the Rotorcraft – Helicopter and Instrument – Helicopter ratings. [See § 61.1(b)(2)(ii)]
or by
- Person authorized by the Administrator to provide ground training under SFAR No. 58, or parts 61, 121, 135, or 142 of this chapter when conducting flight training in accordance with that authority. [See § 61.1(b)(2)(iii)]

{Q&A-622}

QUESTION: My question pertains to logging of cross country flight time. I am a private pilot who is building time towards an Instrument-Airplane rating. I may fly to several different airports in a day, and some are greater than 50 nautical miles and some are less than 50 nm. My question specifically is if I fly 50 nm or greater to one airport on any one leg are the remaining legs considered cross country? I performed these cross country flights in an airplane. I also used dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.

Example: Flight #1

1st Leg: 58TA to KLU = 7 nm (Less than 50 nm)
2nd Leg: KLU to 58TA = 7 nm (Less than 50 nm)
3rd Leg: 58TA to KSEP = 67 nm (Greater than 50 nm)
4th Leg: KSEP to 61TE = 54 nm (Greater than 50 nm)
5th Leg: 61TE to KLU = 16 nm (Less than 50 nm)
6th Leg: KLU to 58TA = 7 nm (Less than 50 nm)

Example: Flight #2

1st Leg: T67 to KRP = 58 nm (Greater than 50 nm)
2nd Leg: KRP to KMWL = 32 nm (Less than 50 nm)
3rd Leg: KMWL to T67 = 34 nm (Less than 50 nm)

ANSWER: Ref. § 61.1(b)(3)(ii); Both of your Examples Nos. 1 and 2 conform to § 61.1(b)(3)(ii). They are good cross country flights.

To clarify what you're asking, you say you're training for an Instrument – Airplane rating and you're flying to build up your flight time. You're asking whether all legs of a cross country flight have to exceed 50 nautical miles or does just one leg of the cross country flight have to exceed 50 nautical miles.

Since you said you're training for an Instrument – Airplane rating, per § 61.1(b)(3)(ii), a cross country flight is defined as:

(3) *Cross-country time* means --

* * *

(ii) For the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating), for a private pilot certificate, a 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; and

(C) That involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.

Therefore, only one of the points of landing from the 58TA Airport (*i.e.*, original point of departure) must have been “. . . a straight-line distance of more than 50 nautical miles . . .” from the 58TA Airport.

{ Q&A-621 }

QUESTION: Does the logbook endorsement required by § 61.157(b)(2) for a type rating at the ATP certification level [or § 61.63(d)(3) for a type rating at the commercial pilot certification level] have to be given by a certificated flight instructor with the appropriate type rating on the flight instructor's pilot certificate? In this particular question, the training is not being performed under an air carrier training program nor under Part 142. The training is being performed in a Gulfstream G-IV and the person giving the training only holds an ATP certificate with an Airplane Multiengine Land and G-IV type rating.

ANSWER: Ref. § 61.1(b)(2) and § 61.195(e); Since you qualified your question to remove the air carrier and Part 142 training option [meaning *See* § 61.1(b)(2)(iii)], then my answer is the flight instructor would have to hold a Flight Instructor Certificate with an Airplane Multiengine and Instrument-Airplane ratings. The flight instructor would also have to hold a G-IV type rating on his/her pilot certificate.

{ Q&A-581 }

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: Ref. § 61.1(b)(10) and § 61.51(g)(4); Yes, if using a flight simulator (FS) or a flight training device (FTD), the instrument currency requirements 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: The situation is a flight instructor has asked the question whether he can give flight training in a tailwheel airplane and yet he has not previously met the additional training requirements for operating a tailwheel airplane [i.e., § 61.31(i)].

ANSWER: Ref. § 61.1(b)(2); § 61.31(i)(1); No, a flight instructor cannot give flight training in a tailwheel airplane for the tailwheel airplane endorsement unless he has complied with § 61.31(i). Per § 61.31(i)(1), it states, in pertinent part, "... from an authorized instructor in a tailwheel airplane" Per § 61.1(b)(2)(ii), it states, in pertinent part, "... in accordance with the privileges and limitations of his or her flight instructor certificate" The flight instructor would not be considered an "authorized instructor" for providing flight training in a tailwheel airplane for the tailwheel airplane endorsement.
{Q&A-551}

QUESTION: The situation is a flight instructor has asked the question whether he can give a flight review in a tailwheel airplane and yet he has not previously met the additional training requirements for operating a tailwheel airplane [i.e., § 61.31(i)].

ANSWER: Ref. § 61.1(b)(2); § 61.56(c)(1); No, a flight instructor cannot give a flight review in a tailwheel airplane unless he has complied with § 61.31(i). Per § 61.56(c)(1), it states, in pertinent part, "... by an authorized instructor" Per § 61.1(b)(2)(ii), it states, in pertinent part, "... in accordance with the privileges and limitations of his or her flight instructor certificate" The flight instructor would not be considered an "authorized instructor" for giving a flight review in a tailwheel airplane.
{Q&A-551}

QUESTION: We have a situation where some U.S. pilots and Canadian pilots need flight training to qualify for a type rating in a Canadair 215 (the airplanes are U.S. registered; are used for fighting forest fires; and were built by Bombardier in Canada). The training is going to be conducted here in the United States near Kingman, AZ. The agricultural operator wants to hire the services of a Canadian citizen who holds a Canadian ATP and flight instructor certificate and is a check airman on the Canadair 215 in Canada to provide these U.S. pilots (and the Canadian pilots who will be applying for a U.S. pilot certificate and the CL-21 type rating) the ground and flight training for qualifying for a type rating in a Canadair 215. This Canadian flight instructor does not hold any U.S. pilot or flight instructor certificates. He is strictly a Canadian qualified ATP pilot and flight instructor only. The other problem is this airplane received its type certification from the FAA and Transport Canada just a few years ago, and there are only one or two FAA inspectors qualified to give checkrides in it and there is only one person who is a U.S. citizen who is qualified to give training in the airplane.

Can this Canadian flight instructor give the flight training and endorsements required by § 61.63(d)(2) or § 61.157(b)(2), as appropriate, in the United States to these U.S. pilots for the CL-21 type rating?

ANSWER: Ref. § 61.1(b)(2)(iii); This is a difficult one and my answer only applies to this specific question and circumstances. My answer to this question is based upon the fact there is only one "authorized instructor" who holds a current and valid U.S. flight instructor certificate with an AME rating and a CL-21 type rating on his pilot certificate and he is not readily available to go to Kingman, AZ to provide this training. However, your question is similar to the situation on what happens when an FAA Flight Standardization Board is certifying a new aircraft and the members of the board (who are FAA personnel/ASIs) have to receive training and checkouts from the manufacturer's test pilots and/or production pilots to qualify in a newly manufactured aircraft. The FAA has to get their personnel qualified to conduct practical tests in these aircraft. When a FAA Flight Standardization Board is certifying a new aircraft there are no qualified "authorized instructors" because it is a brand new aircraft that is in the certification process. So the FAA, in accordance with § 61.1(b)(2)(iii), will issue an authorization to the aircraft

manufacturer's pilots to make them "authorized instructors." The only difference here in this specific question is that the "authorized instructor" will be a foreign flight instructor who does not hold any U.S. pilot or flight instructor certificates. He is strictly a Canadian qualified ATP pilot and flight instructor only.

This question and situation is not the norm for most training and certification processes of Part 61 for pilot and flight instructor qualifications. And again, my answer only applies to this specific question and circumstances.

In accordance with § 61.1(b)(2)(iii), an authorized instructor is ". . . 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." Therefore, the FAA may issue an authorization to a person to be an "authorized instructor" to provide ground and flight training. In these kinds of cases, the authorization is issued by the FAA's General Aviation and Commercial Division, AFS-800, Washington, DC or by the Air Transportation Division, AFS-200, Washington, DC, depending on the size of the aircraft (i.e., for general aviation kinds of aircraft the issuing office would be AFS-800 and for air carrier kinds of airplanes the issuing office would be AFS-200). So in this specific question and circumstances, AFS-800 will issue an authorization, in accordance with § 61.1(b)(2)(iii), to make this Canadian flight instructor an "authorized instructor." But someday when there are an adequate number of qualified "authorized instructors" for the CL-215, the FAA will not need to issue an authorization to make somebody an "authorized instructor."

Ref. § 61.41(a)(2); Now for the norm, per § 61.41(a)(2), a foreign flight instructor may not give ground and flight training inside the United States. And furthermore, per § 61.41(b), a foreign flight instructor who gives the training outside the United States ". . . is only authorized to give endorsements to show training given." So what this means is, that only a holder of a U.S. flight instructor certificate may give the flight instructor endorsement for the training for a type rating required by § 61.63(d)(2) or § 61.157(b)(2), as appropriate.

What the phrase ". . . is only authorized to give endorsements to show training given" means in § 61.41(b) is that the foreign flight instructor can make the endorsement in the pilot's logbook/training record to show the training given by that flight instructor during a training session, but that is all. The foreign flight instructor may not give the endorsements required to authorize a person to take a practical test or any of the other endorsements permitted under § 61.195.

{Q&A-427}

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. § 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}

QUESTION: 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: 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: 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: 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: Ref. § 61.1(b)(3)(i); 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 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: What about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved Part 142 training center and a Part 61 CFII flight instructor 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: Ref. § 61.1(b)(12)(iii), Time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. Note, "pilot time"; Not "flight time" because "pilot time" and "flight time" are not the same.

But I notice a part of your question refers to "... giving his friend instruction at home in the kitchen ..." so I know you're confused about a computer software program on a personal computer and that is not an aircraft, flight simulator, or flight training device. You must be talking about a un-approved PCATD ("personal computer aviation training device"). No, you may not log that time as "pilot time" or as "flight time."

{ Q&A-108 }

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

ANSWER: Ref. §§ 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: Ref. § 61.129(b)(3)(iii) 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 nor 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. 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 § 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: Ref. § 61.1(b)(3)(iv); 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: 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: § 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: Ref. § 61.1(b)(2) and § 61.193; 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: 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: Ref. § 61.1(b)(3)(ii) or (iii)(B) or (iv)(B) or (v)(B); The term "original point of departure" does not change with a new day or delay.

{Q&A-60}

QUESTION: What is the status of instrument flight time logged in a simulator in accordance with § 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: Ref. § 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}

§ 61.3 Requirements for certificates, ratings, & authorizations

SUBJECT: Q&As on the recently issued "Picture Identification Requirements" Final Rule [Docket No. FAA-2002-11666; Amendment No. 61-107; 67 FR 65857-65861; October 28, 2002]

This final rule requires a person to carry photo identification acceptable to the FAA when exercising the privileges of a pilot certificate. Additionally, the rule requires a pilot certificate holder to present a photo identification when requested by the FAA, an authorized representative of the National Transportation Safety Board (NTSB) or Transportation Security Administration (TSA), or a law enforcement officer. These measures address security concerns regarding the identification of pilots.

Question: The pilot's religion forbids her from having a picture taken of her face. How can this pilot comply with § 61.3(a)(2)?

Answer: Ref. § 61.3(a)(2); Under § 61.3(a)(2), all pilots are required to have "a photo identification that is in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that pilot certificate or authorization" The rule does not provide for an exception from the photograph requirement based on religious grounds. However, in accordance with 14 CFR § 11.61(b), a person may petition the FAA for a grant of exemption from a rule [e.g., § 61.3(a)(2)], and the FAA will review the petition on a "case-by-case" basis to determine whether grant of the petition would be in the public interest and would not adversely affect safety. In order to petition the FAA for a grant of exemption, the petitioner must, in accordance with § 11.81, provide the following information to the FAA:

- You must include the following information in your petition for an exemption and submit it to FAA as soon as you know you need an exemption.
- Your name and mailing address and, if you wish, other contact information such as a fax number, telephone number, or e-mail address.
- The specific section or sections of 14 CFR from which you seek an exemption.
- The extent of relief you seek, and the reason you seek the relief.
- The reasons why granting your request would be in the public interest; that is, how it would benefit the public as a whole.
- The reasons why granting the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to that provided by the rule from which you seek the exemption.
- A summary we can publish in the FEDERAL REGISTER, stating:

The rule from which you seek the exemption.

- A brief description of the nature of the exemption you seek.
- Any additional information, views or arguments available to support your request.
- If you want to exercise the privileges of your exemption outside the United States, the reason why you need to do so.

In accordance with § 11.61, you may submit your petition for exemption by:

- For paper submissions, send the original signed copy of your petition for rulemaking or exemption to this address: U.S. Department of Transportation, Docket Management System, 400 7th Street, SW., Room PL 401, Washington, DC 20591-0001.

- For electronic submissions, submit your petition to FAA through the Internet using the Docket Management System web site at this Internet address: <http://dms.dot.gov/>.

{Q&A-539a}

Question: Does a Canadian driver's license with a photograph meet the photo identification criteria under § 61.3(a)(2)? Specifically, does a Canadian driver's license fall within the parameters of "a valid driver's license issued by a State, the District of Columbia, or territory or possession of the United States?"

Answer: Ref. § 61.3(a)(2)(vi); A foreign government issued drivers license [e.g., a Canadian issued drivers license] does not meet the requirements of § 61.3(a)(2)(i), which requires the driver's license to be issued by a U.S. state, territory or possession or by the District of Columbia.

Under § 61.3(a)(2), there are other methods for complying with the photo identification requirements. Specifically, one could use (1) a U.S./State-government issued driver's license that has a photograph [see § 61.3(a)(2)(i)]; (2) a Federal, State, including a U.S. territory or possession, or a District of Columbia government ID card that has a photo with it [see § 61.3(a)(2)(ii)]; (3) a U.S. Armed Forces ID card that has a photo with it [see § 61.3(a)(2)(iii)]; (4) an official passport that has a photo with it [see § 61.3(a)(2)(iv)]; or (5) a credential that has a photograph that authorizes unescorted access to a security identification display area at an airport [see § 61.3(a)(2)(v)].

{Q&A-539a}

Question: I have a 14 year old student pilot who is training for a glider rating. 14 year olds do not possess driver licenses. Will the student pilot's school identification card that includes the picture of the student on it suffice?

Answer: Ref. § 61.3(a)(2)(vi); No, a school identification card would not suffice for meeting the requirements of § 61.3(a)(2). Under § 61.3(a)(2), there are several ways one could comply with the photo identification requirements. Specifically, one could use (1) a U.S./State-government issued driver's license that has a photograph [see § 61.3(a)(2)(i)]; (2) a Federal, State, including a U.S. territory or possession, or a District of Columbia government ID card that has a photo with it [see § 61.3(a)(2)(ii)]; (3) a U.S. Armed Forces ID card that has a photo with it [see § 61.3(a)(2)(iii)]; (4) an official passport that has a photo with it [see § 61.3(a)(2)(iv)]; or (5) a credential that has a photograph that authorizes unescorted access to a security identification display area at an airport [see § 61.3(a)(2)(v)]. A school identification card does not meet any one of these provisions.

Under § 61.3(a)(2)(vi), the rule also does permit the Administrator of the FAA to find other forms of identification acceptable. Generally, however, this provision will not be invoked unless the FAA's General Aviation and Commercial Division, AFS-800, finds the situation so unique that the pilot could not otherwise obtain an identification with photograph that meets one of the other listed means. In this situation, the FAA believes that the 14 year old could obtain an official passport or a State, County, or Municipality issued government identification card with photograph (most states do provide picture identification for minors or non-driving citizens).

{Q&A-539a}

Question: Will an air carrier issued identification with picture suffice for meeting the requirements of § 61.3(a)(2)(v) [i.e., "Credential that authorizes unescorted access to a security identification display area at an airport regulated under 49 CFR part 1542"]?

Answer: Ref. § 61.3(a)(2)(v); Yes, the air carrier issued identification does suffice for meeting the requirements of § 61.3(a)(2)(v).

{Q&A-539a}

Question: Our flight school issues photo identifications to its employees as a security measure; is this identification "acceptable" under § 61.3(a)(2)?

Answer: Ref. § 61.3(a)(2)(vi); If the flight school issued identification card with photograph authorizes unescorted access to a security identification display area at an airport, then it would be considered an acceptable form of identification under § 61.3(a)(2).

Under § 61.3(a)(2), there are other methods for complying with the photo identification requirements. Specifically, one could use (1) a U.S./State-government issued driver's license that has a photograph [see § 61.3(a)(2)(i)]; (2) a Federal, State, including a U.S. territory or possession, or a District of Columbia government ID card that has a photo with it [see § 61.3(a)(2)(ii)]; (3) a U.S. Armed Forces ID card that has a photo with it [see § 61.3(a)(2)(iii)]; or (4) an official passport that has a photo with it [see § 61.3(a)(2)(iv)]. Under § 61.3(a)(2)(vi), the rule also does permit the Administrator of the FAA to find other forms of identification acceptable. Generally, however, this provision will not be invoked unless the FAA's General Aviation and Commercial Division, AFS-800, finds the situation so unique that the pilot could not otherwise obtain an identification with photograph that meets one of the other listed means.

{Q&A-539a}

Question: Is a person who is serving as a safety pilot for a flight under simulated instrument flight on an IFR flight plan required to hold an instrument rating if that person is merely only acting as a safety pilot? Notice, I did not say the person is acting as a pilot in command or as a second in command. The person is only onboard to act as a safety pilot. But the flight is going to be performed under IFR (instrument flight rules) and the pilot has filed an IFR flight plan.

Answer: Ref. § 61.55(d)(4); § 61.3(e); § 91.109(b); A safety pilot who is not acting as the PIC is not required to meet the instrument rating requirements of § 61.3(e). The instrument rating requirements of § 61.3(e) are PIC requirements.

As per § 61.55(d)(4), the rule provides an exception to the SIC pilot qualification requirements of § 61.55(a)(2) for being required to hold an instrument rating.

However, for the purpose of clarifying an incorrect statement in your question, you stated the person is not acting as either the pilot in command or as a second in command. That is not possible. A safety pilot is a required pilot flight crewmember [See § 91.109(b)]. Therefore, a safety pilot must either be acting as the PIC or as the SIC.

Additionally, in the preamble discussion in the "Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Final Rule" on page 16237, middle column, of the Federal Register (62 FR 16237; April 4, 1997), the FAA stated that a safety pilot is a required crewmember. The FAA stated the following in that preamble discussion:

"... In response to AOPA's comment regarding instructors who act as safety pilots not being required to have a medical certificate, the FAA notes that § 91.109 specifies that a safety pilot is required to conduct simulated instrument flight, which makes the safety pilot a required crewmember ..."

Therefore, a safety pilot is either a PIC "flightcrew member" or an SIC "flightcrew member" and either way "... makes the safety pilot a required crewmember ..."

{Q&A-529a}

QUESTION: I have been asked to give a § 61.56 flight review to a pilot who holds both a U.S. and Argentina Commercial Pilot Certificate/License. A question which arises is this pilot does not hold a current U.S. medical certificate. Is it permissible to conduct a § 61.56 flight review if this pilot does not hold a current FAA medical certificate? He does hold a current Argentina medical license and the flight review will be conducted here in Argentina.

ANSWER: Ref. § 61.3(c)(2)(vii) and § 61.56(c); Per § 61.3(c)(2)(vii), a current Argentina medical license will suffice since the flight review will be conducted in Argentina. Holding a current U.S. medical certificate, issued under Part 67, is not a prerequisite for receiving a flight review that is conducted in Argentina.

{Q&A-599}

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 § 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). We recommend that you consult the International Flight Information Manual (IFIM) it shows the overflight and landing requirements for foreign registered aircraft to make certain you are complying with the Botswana requirements.

{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 § 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 Flight simulators & training devices

QUESTION: Is it legal to administer the entire Instrument – (Airplane) (Helicopter) (Powered lift) practical test in a flight simulator or flight training device? If not, how much of the Instrument – (Airplane) (Helicopter) (Powered lift) practical test is permitted in a flight simulator or a flight training device and how much is required to be performed in the aircraft?

ANSWER: Ref. § 61.4(a) and § 61.65(a)(8)(ii) and Instrument Rating PTS FAA-S-8081-4D, Appendix 1-1 and Appendix 1-2; If the training was conducted at a Part 142 Training Center in an approved Part 142 Instrument – (Airplane) (Helicopter) (Powered lift) training course, then yes it is permissible to administer the entire Instrument – (Airplane) (Helicopter) (Powered lift) practical test in a flight simulator. Emphasis added: “in a flight simulator.”

The use of an approved flight training device is limited to one precision and one non-precision approach on the Instrument – (Airplane) (Helicopter) (Powered lift) practical test and the flight training device must have been approved for the precision and non-precision approach procedure to be performed. The remainder of the practical test must be performed in the aircraft. Or as I previously stated in the paragraph above, in a flight simulator if the training was conducted at a Part 142 Training Center in an approved Part 142 Instrument – (Airplane) (Helicopter) (Powered lift) training course.

It should be understood that in answering this question, § 61.4(a) applies in that this rule requires each flight simulator and flight training device used for training, and for which an airman is to receive credit to satisfy any training, testing, or checking requirement under this chapter, must be qualified and approved by the Administrator. Meaning, the flight simulator and flight training device must be approved for the specific instrument task to be performed on the practical test.

QUESTION: Is it legal to administer the entire Instrument Proficiency Check in a flight simulator or flight training device? If not, how much of the Instrument Proficiency Check is allowed to be performed in a flight simulator or a flight training device and how much is required to be performed in the aircraft?

ANSWER: Ref. § 61.4(a) and § 61.57(d)(1)(ii); My answer is a qualified yes, it may be permissible to administer the § 61.57(d) Instrument Proficiency Check in a flight simulator provided the flight simulator is approved for each instrument task to be performed on the Instrument Proficiency Check. My reason for giving a qualified yes to the question is because one of the required instrument tasks that is now required to be performed on a § 61.57(d) Instrument Proficiency Check [See Instrument Rating PTS, FAA-S-8081-4D, page 16] is circling approaches for airplanes most flight simulators are not approved for the circling approach task.

Yes, it is permissible to do some of the § 61.57(d) Instrument Proficiency Check in a flight training device provided the flight training device is approved for each instrument task to be performed on the Instrument Proficiency Check. I know there are no flight training devices that are approved for the circling approach task, so to perform that task the person would have to do it in an airplane or in an approved flight simulator that is approved for circling approaches.

It should be understood that in answering this question § 61.4(a) applies in that this rule requires each flight simulator and flight training device used for training, and for which an airman is to receive credit to satisfy any training, testing, or checking requirement under this chapter, must be qualified and approved by the Administrator. Meaning, the flight simulator and flight training device must be approved for the specific instrument task to be performed on the § 61.57(d) Instrument Proficiency Check.

QUESTION: Does the previous answers differ for a Level 1 flight training device that was accepted/approved prior to August 1, 1996 [*i.e.*, § 61.4(b)] and can be shown to function as originally designed and is used for the same purposes for which it was originally accepted/approved?

ANSWER: Ref. § 61.4(b); Certainly, the answers would be different in that there are no Level 1 flight training devices, accepted/approved prior to August 1, 1996, that are approved to perform the circling approach task, unusual attitude recovery task, and landing from straight-in or circling approach task. However, as it states in § 61.4(b), the device must have been accepted or approved prior to August 1, 1996 and must be shown to function as originally designed and is used for the same purposes [emphasis added: “for the same purpose”] for which it was originally accepted or approved. Those old style devices cannot be used for any other purpose than what they had initial approval for prior to August 1, 1996.

QUESTION: Can a personal computer aviation training device (PCATD) be used on a practical test? Can a personal computer aviation training device (PCATD) be used for a § 61.57(d) Instrument Proficiency Check?

ANSWER: Ref. § 61.4(c); Instrument Rating PTS FAA-S-8081-4D, Appendix 1-1 and Appendix 1-2; and AC 61-126, pages 3 and 4, para. 7.b. and 8.a.; A personal computer aviation training device (PCATD) may not be used for a practical test or for a § 61.57(d) Instrument Proficiency Check.
{Q&A-626}

QUESTION: Prior to August 1, 1996, our training organization had received approval from the FAA to conduct a § 61.56 flight review in the following devices:

Model PA-31T/T1040 (Serial Nos. 8220-001 and 8220-002) ground trainer
Model PA-42 (Serial No. 8251-001) ground trainer
Model PA-31/T1020 (Serial No. 8235-001) ground trainer
Model PA-46-500TT (Serial No. 8235-7411018) ground trainer
Model Beechcraft King Air 200/B200 (Serial Nos. 8282) ground trainer
Model Beechcraft King Air 90 (Serial Nos. 72310185) ground trainer

We believe that § 61.4(b) affords our training organization and ground trainers referred status for the right to retain its pre-August 1, 1996 FAA approval to conduct § 61.56 flight reviews in these ground trainer. Because these ground trainers still function as originally designed and are used for the same purposes for which they were originally accepted and approved

ANSWER: Ref. § 61.4(b); Yes, you can continue to use that device(s) for conducting § 61.56 flight reviews, provided your organization has an acceptance/approval letter from either the FAA's General Aviation and Commercial Division, AFS-800, National Simulator Program Office, AFS-205, or from a Flight Standards Regional or District Office that is dated prior to August 1, 1996 showing your device was determined to be acceptable/approved for conducting § 61.56 flight reviews. However, in accordance with § 61.4(b), your device:

1. Must be shown to function as originally designed.
2. Is considered to be a flight training device.
3. Is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval.

{Q&A-452}

QUESTION: What is a PCATD?

ANSWER: Ref. AC No. 61-126; 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: What is the regulatory authority for the use of a PCATD?

ANSWER: Ref. § 61.4(c); Per § 61.4(c) ["The Administrator may approve a device other than a flight simulator or flight training device for specific purposes"] is the FAA's regulatory authority for allowing use a PCATD.

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

ANSWER: Ref. AC 61-126; 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: What are the requirements for using a qualified and approved PCATD under Parts 61 and 141?

ANSWER: Ref. AC 61-126; 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: How should aeronautical experience gained in a PCATD be logged in a pilot's logbook and/or training record?

ANSWER: Ref. AC 61-126; 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: 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: Ref. § 61.4(b); Yes, 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 Certificates & ratings issued under Part 61

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: Ref. § 61.5(b)(5); Yes, they are correct. Notice § 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 Issuance of certificates, ratings & authorizations

QUESTION: What kind of documentation must be submitted with the Airman Certificate and/or Rating Application, FAA Form 8710-1, to the FAA when a person is applying for a change of nationality?

ANSWER: Ref. § 61.13(a) and FAA Order 8700.1, Vol. 2, Chapter 1, page 1-48, para. 13.C; An applicant must provide his/her original citizenship papers for review and a copy of his/her original citizenship papers to substantiate an applicant's change of citizenship. The FAA will submit the photocopy of the person's citizenship papers with the person's completed FAA Form 8710-1 application to Airman Registry, AFS-760. The FAA will return the original citizenship papers to the applicant.

Per FAA Order 8700.1, Vol. 2, Chapter 1, page 1-48, para. 13.C, it states:

C. Changes to Personal Data. A person applying for any change to the personal data on their pilot certificate must present, to an FAA inspector, appropriate documentation acceptable to the Administrator which substantiates the validity of the requested change. The purpose of this documentation is to preclude re-issuance of an invalid pilot certificate.

(1) The following items typify the kind of changes that require such documentation:

- change of name
- change of nationality
- change of gender
- change in date of birth

(2) The applicant should fill out a FAA Form 8710-1 for re-issuance.

(3) After examining and verifying the documentation, the inspector issues FAA Form 8060-4, reflecting the appropriate change. The inspector fills out the "Inspector's Report" section on the application and forwards the application, the superseded certificate, and a copy of the temporary certificate to AFS-760.

{Q&A-586}

QUESTION: A Designated Pilot Examiner has asked a question that none of us at the FSDO can answer. We all know that deaf persons have previously been certificated as pilots with a medical restriction: "not valid for flights requiring the use of radio". However, it appears that deaf persons may not be eligible to take the Practical Test for Private Pilot. They can not acquire the aeronautical experience required by 14 CFR § 61.109(a)(5)(iii), i.e., three solo takeoffs and three landings at an airport with an operating control tower because of the "not valid for flights requiring the use of radio" restriction on that Student Pilot's Medical Certificate.

Does the wording in 14 CFR § 61.13(b)(1) allowing persons with physical limitations to be issued a certificate if they meet "all other requirements" also allow a deaf person to be eligible for a Practical Test for Private Pilot even though that deaf person could not acquire the aeronautical experience required by 14 CFR § 61.109(a)(5)(iii)?

We just can't see how those persons were technically qualified to begin the Practical Test.

ANSWER: Ref. § 61.13(b)(1); This provision only applies when an applicant "... who cannot comply with certain areas of operation required on the practical test because of physical limitations ..." [emphasis added: "required on the practical test"]. This provision does not excuse an applicant from not accomplishing the required aeronautical experience of "... 10 hours of solo flight time in a single-engine airplane, consisting of at least-- ... (iii) Three takeoffs and three landings to a full stop (with each landing involving a flight in the traffic pattern) at an airport with an operating control tower." [e.g., see § 61.109(a)(5)(iii)]. The only way a person may be excused from accomplishing the required aeronautical experience of § 61.109(a)(5)(iii) is to petition for an exemption.

However, in the question you've asked, there is no need for a person whose medical limitation is deafness to not be able to comply with the required aeronautical experience of § 61.109(a)(5)(iii). It can be done with prior coordination with the operating control tower with signal lights for communication between the pilot and the control tower.

{Q&A-524}

QUESTION: We have got person who had his commercial pilot certificate revoked and wants to reapply on June 18, 2002. We received an application dated June 21, 2002 which is a private pilot based on his Dominican Republic pilot license No. ?XYZ??-PP. He is coming under § 61.75 to reapply. I was under the impression that when a pilot certificate was revoked, he/she has to pass all knowledge and practical tests appropriate to that rating after a one-year wait period or otherwise stated in the Order of Revocation. I know that pilot time and experience prior to revocation can be used for re-qualification purposes; however, he has managed to bypass taking the knowledge tests and practical tests by going the § 61.75 route. Now, he can use the private pilot certificate based on his foreign license to get an unrestricted commercial. What is your thinking on this?

ANSWER: Ref. § 61.13(d)(2); The person may not apply for the § 61.75 pilot certificate while under an Order of Revocation is in effect. However, once the Order of Revocation has expired, the applicant is able to apply for a U.S. pilot certificate and rating(s). Once the Order of Revocation has expired, the person may apply under § 61.75 for a U.S. private pilot certificate on the basis of holding a Dominican Republic pilot license No. ?XYZ?-PP.

QUESTION: I have a situation where a person has had their ATP certificate revoked. Now the person, who is a military pilot in the U.S. Air Force, is applying for a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane rating under § 61.73 (meaning the person completed the Military Competency knowledge test). Is this possible if the person's ATP certificate and rating have been revoked?

ANSWER: Ref. § 61.13(d)(2); The person may not apply for a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane rating under § 61.73 while under the Order of Revocation is in effect. However, once the Order of Revocation has expired, the applicant may apply for a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane rating under § 61.73. Once the Order of Revocation has expired, the person may apply for a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane rating in accordance with § 61.73.
{Q&A-519}

QUESTION: Since at least 1990, the FAA's Airmen Certification Branch, AFS- 760, has allowed pilots who fly for Saudi Arabia Airlines and are applying for a U.S. pilot certificate and/or rating to use a P.O. Box address in Saudi Arabia on their airman certificate instead of requiring them to give their residential address. In light of what has occurred on September 11 and the reported use by some of the terrorist hijackers of having used a P.O. Box, do we want to continue this practice?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(1) and (2); § 61.35(a)(2)(iv); and § 61.60; From this date forward, ALL applicants must comply with the identification/residential address requirements of FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(1) and (2), when making application for an airman certificate.

As per FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5. B. (1) and (2), it states:

- (1) All applicants for airman certificates must apply in person and present positive identification at the time of application. Such identification must include an official photograph of the applicant, the applicant's signature, and the applicant's residential address, if different from the mailing address. This information may be presented in more than one form of identification.
- (2) An inspector shall not accept a post office address on an airman certificate application unless the applicant resides on a rural route, a boat, or in some other location that requires the use of a post office box or rural route number for an address. If this is the case, until FAA Form 8710.1 is revised, the applicant must disclose this information on a separate piece of paper and attest to the circumstances by signature. Once FAA Form 8710.1 has been revised, this separate disclosure will no longer be necessary.

Therefore, the FAA shall not accept an airman certificate application with a post office address unless the situation requires it. The only situation that allows for using a post office address is stated in FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(2) where it states: "... unless the applicant resides on a rural route, a boat, or in some other location that requires the use of a post office box or rural route number for an address . . ." And then if this is the situation, the FAA's guidance on handling this kind of situation is addressed in AC 61-65D on page 4 under paragraph 7.B. where it states:

"b. Address. A temporary mailing address for delivery of the certificate may be indicated on a separate statement attached to the application. However, the address required for official record purposes as shown on an airman application for a certificate must represent the airman's actual permanent residential street address, including apartment number, etc., when appropriate. An alternate mail delivery service address (commercial mail box provider), flight school, airport office, etc., is not acceptable. A post office box or rural route number is not acceptable as permanent residence on an application unless there are unavoidable

circumstances that require such an address. An applicant, residing on a rural route, in a boat or mobile (recreational) vehicle, or in some other manner that requires the use of a post office box or rural route number for an address, must attest to the circumstances by signing a statement on a separate sheet of paper. The information provided must include sufficient details to ensure identification of the geographical location of the airman's residence. If necessary to positively identify the place of residence, the applicant may be required to provide a hand-drawn map that clearly shows the location of the residence. When the residence is a boat or other mobile vehicle, the registration number, tag number, etc., and dock or park location must be provided. When applying for the practical test for an airman certificate, a post office address may be specified for use on the certificate issued. A signed request must be submitted with the application for this purpose. The permanent residence address must be shown in the manner specified above."

{Q&A-461}

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: §§ 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 language refers to making a medical decision and permits the administrator to add operating limitations to the airman's pilot certificate. FAA Aviation Safety Inspectors (ASI) have, in the past, made a determination concerning reading, speaking, and understanding the English language, but not relating to a medical limitation. The way these provisions are now written and with the lack of handbook guidelines on how the ASI is to apply this "medical determination", the ASI could be required to make "medical determinations" that he may not be qualified to make. 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 ASI identify the medical reason and place an appropriate limitation on the 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 important to remember that 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. There is some

degree of guidance in FAA Order 8700.1, Chapter 27. However, “. . . medical reasons . . .” can be a number of reasons. This “medical reason” and/or limitation may only appear on the applicant’s medical certificate in accordance with § 6113(b)(ii) as a limitation for airplane and rotorcraft pilots. This would normally meet the requirement of a limitation necessary for the safe operation of the aircraft being placed on the pilot certificate since privileges can not be exercised without and contrary to the medical issued.

Yet, for glider or balloon pilots an ASI may be required to identify the medical reason and place an appropriate limitation on the Pilot Certificate. It is expected that an ASI will identify, consider, and evaluate the “medical reason” at the time he or she issues the pilot certificate. 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. Normally COMMON SENSE will guide the ASI. 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}; {Q&A-204}

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 Part 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}

§ 61.15 Offenses involving alcohol or drug

QUESTION: My question is regarding the language of § 61.15(c)(2). Is a suspension of driving privileges in Arizona that does not result in a suspension of a driver's license held in Nevada need to be reported to the FAA? (The suspension of driving privileges was for a DUI citation)

ANSWER: Ref. § 61.15(e) and (c); Yes, any suspension of driving privileges for driving under the influence of alcohol or drugs requires that the person “. . . provide a written report of each motor vehicle action to the FAA, Civil Aviation Security Division (AMC-700), P.O. Box 25810, Oklahoma City, OK 73125, not later than 60 days after the motor vehicle action.”
{Q&A-595}

§ 61.23 Medical certificates: Requirement & duration

QUESTION: The question has come up about spin training and if a flight instructor without a medical certificate can perform spin training for a pilot that is current and rated in the airplane. My take is that he can because he is not PIC or a required flight crew member. Am I right?

ANSWER: Ref. § 61.23(b)(5); I must qualify my answer by stating that it is to be understood that the flight instructor will not be acting as the pilot in command or serving as a required pilot flight crewmember (*i.e.*, in an aircraft that requires more than one pilot flight crewmember, operating rules that requires more than one pilot flight crewmember, safety pilot in accordance with § 91.109). If that is the situation, then the answer is yes a flight instructor need not hold a medical certificate to give spin training.
{Q&A-607}

QUESTION: Please clarify what the requirement is for a current medical certificate for a Check Airman to conduct enroute line checks on board an aircraft. We understand to do IOE line checks that the Check Airman must have a current medical certificate, because he is required to be in a required pilot seat. However, on an annual enroute line check, the Check Airman only occupies a jump seat and is not considered a required pilot flight crewmember?

ANSWER: Ref. § 61.23(b)(5); Unless the check airman is serving in a required pilot flight crewmember position on the flight deck [*meaning* at a flight control position on the flight deck] is the only time a check airman would be required to hold a 2nd class medical certificate. If the check airman is not serving in a pilot flight crewmember position on the flight deck, then no medical certificate is required. In answer to this question, § 61.23(b)(5) most closely addresses this scenario where the check airman is not serving in a required pilot flight crewmember position on the flight deck [*Meaning* the check airman is only occupying the jump seat on the flight deck].
{Q&A-564}

QUESTION: In FAA Order 8710.3C, Pilot Examiner's Handbook, Chapter 9, Section 1, paragraph 5, it is written that an applicant for a commercial pilot certificate must hold at least a 2nd class medical to be eligible for the original issuance of the certificate. The FAR's state you only need a 2nd class medical to exercise the privileges of a commercial pilot. § 61.23(a)(2)

ANSWER: Ref. § 61.23(a)(3)(v); Per § 61.23(a)(3)(v), it states, in pertinent part, “. . . Must hold at least a third-class medical certificate . . . prior to taking a practical test that is performed in an aircraft for a certificate or rating at the . . . commercial . . . certificate level.” The rule applies. The rule has precedent over the out-of-date guidance that is provided in FAA Order 8710.3C.

There are some portions of FAA Order 8710.3C and FAA Order 8700.1 that are out of date with the rules that were revised in 1997. But always, the rule will have precedent over any guidance that is provided in FAA Order 8710.3C.

QUESTION: In FAA Order 8710.3C, Chapter 10, Section 1, paragraph 3.E, it is written that you must have a 1st class medical issued within the preceding 6 months to take the practical exam. Again the FAR's state you need a 1st class medical to exercise the privileges of an ATP certificate. § 61.23(a)(1)

ANSWER: Ref. § 61.23(a)(3)(v); Per § 61.23(a)(3)(v), it states, in pertinent part, “. . . Must hold at least a third-class medical certificate . . . prior to taking a practical test that is performed in an aircraft for a certificate or rating at the . . . airline transport pilot . . . certificate level.” The rule applies. The rule has precedent over the out-of-date guidance that is provided in FAA Order 8710.3C.

QUESTION: In FAA Order 8710.3C, Chapter 11, Section 2, paragraph 5.E.(2), it is written that an applicant for an instrument rating that plans on upgrading their pilot certificate as well must have the appropriate medical for the type certificate that is being sought. The FARs only require a 3rd class medical certificate to take the practical test and only require an upgraded medical certificate when exercising the privileges of an higher graded pilot certificate.

ANSWER: Ref. § 61.23(a)(3)(v); Per § 61.23(a)(3)(v), it states, in pertinent part, “. . . Must hold at least a third-class medical certificate . . . prior to taking a practical test . . .” The rule applies. The rule has precedent over the out-of-date guidance that is provided in FAA Order 8710.3C.
{Q&A-494}

QUESTION: A multiengine pilot recently received about 100 hours of flight instruction to become proficient in the Piper Aerostar. Since all of his previous multi time had been in a Seminole, one of the endorsements the pilot received during the flight instruction was a high performance checkout. Subsequently, the pilot learned that the flight instructor did not have a valid medical certificate. The flight instructor was certified and current in the airplane. He simply didn't have a medical certificate and could not function as a PIC or a required crewmember. Once discovering the CFI didn't have a medical certificate, the pilot believed that perhaps all of the endorsements he received, even the flight instruction he had logged, would be invalid. Is that the case?

ANSWER: Ref. § 61.23(a)(3)(iv) and (b)(5) and § 61.31(f); Neither the endorsements nor the flight training received would become invalid just because the flight instructor did not have a current medical certificate. No place in § 61.31(f) does it qualify the endorsement or the flight training must be given by an authorized instructor who holds a current medical certificate. Per § 61.31(f)(1)(i) it only requires that the ground and flight training be given by an authorized instructor. And per § 61.1(b)(2), it only defines what is an “authorized instructor.” Nor in §§ 61.193 and 61.195 does it require the authorized instructor must hold a medical certificate. Only in § 61.23(a)(3)(iv) does it establish the medical certification requirements for a flight instructor.

However, the flight instructor will probably be getting a letter of investigation to inquire why he/she was serving as a required crewmember/PIC without holding at least a current medical certificate.
{Q&A-438}

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

ANSWER: Ref. § 61.23; Depends on the situation. The medical requirements for a CFI are found in § 61.23.

Reference § 61.3(c)(2)(iv) and § 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) and § 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), to anyone while that person is using a view limiting device (instructor is the safety pilot), or to a pilot that is not rated in the aircraft (e.g., while preparing a pilot for multiengine, sea-plane, type rating, etc., the instructor must be the PIC).

QUESTION: Do the rules permit a flight instructor to even receive compensation for instruction when that flight instructor holds only a third class medical, or maybe does not even hold a current medical certificate at all?

ANSWER: § 61.23(b)(5); Yes, in accordance with § 61.23(b)(5), a flight instructor who does not hold a medical certificate may give flight and ground training and be compensated for it. In the preamble of the parts 61 and 141 final rule that was published in the Federal Register on April 4, 1997 (62 FR 16220-16367) when the FAA revised the entire Part 61, the FAA stated the following in the Federal Register on page 16242 in response to whether a medical certificate is required for a flight instructor to give ground and flight training:

“ With respect to the holding of medical certificates by a flight instructor, the FAA has determined that the compensation a certificated flight instructor receives for flight instruction is not compensation for piloting the aircraft, but rather is compensation for the instruction. A certificated flight instructor who is acting as pilot in command or as a required flight crewmember and is receiving compensation for his or her flight instruction is only exercising the privileges of a private pilot. A certificated flight instructor who is acting as pilot in command or as a required flight crewmember and receiving compensation for his or her flight instruction is not carrying passengers or property for compensation or hire, nor is he or she, for compensation or hire, acting as pilot in command of an aircraft. . . . In this same regard, the FAA has determined that a certificated flight instructor on board an aircraft for the purpose of providing flight instruction, who does not act as pilot in command or function as a required flight crewmember, is not performing or exercising pilot privileges that would require him or her to possess a valid medical certificate under the FARs.”

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

ANSWER: Ref. § 61.23(a)(3)(iv) and § 61.39(a)(4); The CFI applicant would be required to hold at least a 3rd class medical certificate. I'm assuming the CFI applicant will be the PIC during the practical test.

However, if the DPE agrees to act as the PIC on the practical test, then the CFI applicant would not be required to hold a medical certificate§ 61.23(b)(5) and § 61.39(a)(4) unless the CFI applicant is performing as an assigned pilot crewmember on the practical test in an aircraft that requires a minimum pilot flightcrew of 2 or more. But that should be a unique situation where the DPE agrees to act as the PIC. For simplicity in this answer, just plan on the applicant being required to hold at least a 3rd class medical certificate.
{Q&A-429};{Q&A-104}; {Q&A-67}; {Q&A-61};

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.

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. Therefore, the aeronautical experience does not become invalid. That time is creditable.
{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: Ref. § 61.3(c)(1). Yes. 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: 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 Aviation Safety Inspector (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).

§ 61.23 (14 CFR § 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.

§ 61.117 (14 CFR § 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. § 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: 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: Ref. §§ 61.23; 61.53; No, the requirement no longer exists. The new FAA Form 8710-1, Airman Certificate &/or Rating Application (4-00) does not include this block. Completion of block W not required when using the "old" FAA Form 8710-1's. Use of the new FAA Form 8710-1 is encouraged.
{Q&A-136}

QUESTION: 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: Ref. § 61.23 (a)(3) and § 61.39(a)(4); The applicant would be required to hold at least a 3rd class medical certificate. I'm assuming the applicant will be the PIC during the practical test.

However, if the DPE agrees to act as the PIC on the practical test, then the CFI applicant would not be required to hold a medical certificate§ 61.23(b)(5) and § 61.39(a)(4). But that is the unique situation where the DPE agrees to act the PIC. For simplicity in this answer, just plan on the applicant being required to hold at least a 3rd class medical certificate.

The reference in § 61.39(a)(4) ". . . if a medical is required . . ." really applies to balloon and glider pilots.
{Q&A-60}

§ 61.25 Change of name

QUESTION: On the FAA AFS-760's website, where it provides the procedure for reporting a name change, it states the following:

Report a Change in Your Name, Nationality/Citizenship, Gender, or Date of Birth

To obtain a new airman certificate that reflects a legal name change, submit a photocopy of a marriage license, court order, or other valid legal document, which legally verifies the name change. If you are unable to provide this documentation, click here for an airman name change form. This form must be signed and notarized and presented, with all documentation, to an FAA inspector.

Specifically, where it states on the website: "If you are unable to provide this documentation, click here for an airman name change form. This form must be signed and notarized and presented, with all documentation, to an FAA inspector."

However, per § 61.25(a), it doesn't provide for a person who can't provide the documentation. The rule language requires the applicant to furnish ". . . (1) Current airman certificate; and (2) A copy of the marriage license, court order, or other document verifying the name change."

Per the instructions on the FAA AFS-760's website, is it possible to permit a person to use the form on the website in lieu of the required documentation stated in § 61.25(a)?

ANSWER: Ref. § 61.25(a) and FAA Order 8700.1, Vol. 2, page 1-48, para. 13.C.(2) and (3); Per § 61.25(a), the person must furnish (1) Current airman certificate; and (2) A copy of the marriage license, court order, or other document verifying the name change." This FAA AFS-760 website instructions will be changed.

The history behind the instructions on the FAA AFS-760 website where we provided an alternative document for a person to report a name change, was because the FAA was informed that some States do not require legal documents in the form of a court order to change a name. It was reported that some States permit their citizens just to change their name and have no jurisdiction over the matter. Therefore, a person who happens to live in one those States would not have a court order. The FAA provided this form on its AFS-760 website as complying with the language in § 61.25(a)(1) [*i.e.*, "other document verifying the name change"].

However, in light of the increased security concerns here in the United States, the FAA intends to change this practice stated on the FAA AFS-760 website.

The rule language in § 61.25(a)(1) does not specifically require only a court order to report a name change. Per § 61.25(a), it does state "other document verifying the name change." The "other document verifying the name change" must be a legal document that is acceptable practice from the State of residence of the applicant. In the United States, there are 50 States, the District of Columbia, the territories of Guam, Puerto Rico, American Samoa, U.S. Virgin Islands, Minor Caribbean Islands (Quita Suerno Bank, Roncador, Serrana, Navassa), Wake Island, Midway Islands, and numerous other U.S. territories and so I assume each of those entities have variations of how they allow their citizens to change their names. I doubt this kind of situation occurs that often, but if and when it does, and you have questions about the documentation, then you should consult with our Regional Chief Counsel office to insure the document is legally acceptable.
{Q&A-601}

§ 61.29 Replacement of lost certificates or reports

QUESTION: § 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: Ref. § 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." The FAA has policy that provides guidance to our field offices for persons who do not want the FAA to know their social security number.

{Q&A-30}

§ 61.31 Type rating, additional training, authorizations

Question: For everyday flying without limitations or restrictions, is it legal for a person to serve as the PIC in a Sikorsky 58 (the S-58D series of Sikorsky 58) without that PIC holding the SK-58 type rating on his/her pilot certificate? The Sikorsky 58 helicopter in question is the S-58D series and it is being operated at a maximum

internal takeoff weight of less than 12,500 pounds but with the weight on the external load, the total takeoff weight will be around 13,000 pounds which is the authorized gross takeoff weight for this series of Sikorsky 58 helicopter.

In a review of the Sikorsky 58's type certification data sheet (i.e., Helicopter Specification No. 1H11), the maximum certified gross takeoff weight for the various series of Sikorsky 58 helicopters are listed in the Helicopter Specification No. 1H11 as being:

Sikorsky 58 series S-58A, S-58B, and S-58C is 12,700 pounds (*per item 604 modifications for increase in gross takeoff weight of the S-58A, S-58B, S-58C is 13,000 pounds in accordance with Sikorsky Kit Dwg. No. S1605-1700A*).

Sikorsky 58 series S-58D and S-58E is 13,000 pounds.

Sikorsky 58 series S-58F, S-58G, S-58H and S-58J is 12,500 pounds.

Sikorsky 58 series S-58BT, S-58DT, and S-58ET is 13,000 pounds.

Sikorsky 58 series S-58FT, S-58HT, and S-58JT is 12,500 pounds.

Answer: Ref. § 61.31(a)(1) § 61.31(a)(1) and § 61.5(b)(5)(iii); and FAA Order 8700.1, Vol. 2, page 9-15, Figure 9-3, "Pilot Certificate Aircraft Type Designations-Rotorcraft"; A person who acts as a PIC in a Sikorsky 58 (as per FAA Order 8700.1, all series of Sikorsky 58 helicopters) must hold a SK-58 type rating on his/her pilot certificate.

Facts:

- The Sikorsky 58's type certification data sheet (*i.e.*, Helicopter Specification No. 1H11) shows that the certified maximum gross takeoff weight for the S-58D series of Sikorsky 58 is 13,000 pounds.
- The Sikorsky 58D is considered to be a large aircraft.
- AC 61-89E, Appendix 2, page 7, indicates that the type rating for all series of Sikorsky 58 helicopters is SK-58.
- FAA Order 8700.1, Volume 2, Chapter 9, page 9-15, Figure 9-3, indicates that the type rating for all series of Sikorsky 58 helicopters is SK-58.

Apparently, one helicopter operator claims that he has a letter, dated June 22, 1992, from the FAA's Chicago Aircraft Certification Office, CHI-ACO, that states, in pertinent part, "When operating at 13,000 pounds during external lifting operations, the aircraft is still considered to be a 12,500 pound aircraft for takeoff and landing and may still be flown without a type rating" That letter was written in response to the helicopter operator's request to the FAA's Chicago Aircraft Certification Office to lower the gross takeoff weight for its Sikorsky 58D helicopter to 12,500 pounds.

Procedurally, the FAA's Director of Flight Standards Service, AFS-1, establishes pilot type ratings [emphasis added: pilot type ratings] through its Flight Standardization Boards. The Director of Aircraft Certification, AIR-1, establishes the weight, performance, limitations, and certification requirements for the aircraft. Therefore, the FAA's Chicago Aircraft Certification Office does not have the authority to decide that the Sikorsky 58D could be flown without a pilot type rating. Only the FAA's Director of Flight Standards Service, AFS-1, may establish pilot type rating requirements. In accordance with FAA Order 8700.1, Vol. 2, page 9-15, Figure 9-3, "Pilot Certificate Aircraft Type Designations-Rotorcraft," the FAA's Director of Flight Standards Service, AFS-1, has established that all series of Sikorsky S-58 shall have a pilot type rating of SK-58 in order to act as the PIC.
{Q&A-532a}

QUESTION: I have a question regarding the high altitude endorsement required by § 61.31(g)(1) and (2). This is the scenario:

The flight instructor's qualifications are: Commercial Pilot Certificate – AMEL, Instrument Airplane, Flight Instructor Certificate ASE and Instrument Airplane, and has the § 61.31(f) high altitude endorsement.

The pilot's qualifications are Commercial Pilot Certificate – ASEL and AMEL, Instrument Airplane, Flight Instructor Certificate ASE, AME, and Instrument – Airplane.

The make and model of the multiengine airplane that the high altitude training and endorsement is going to given in is a pressurized AC60 (Rockwell Turbo Commander) capable of flight over 25,000 feet. The flight instructor has more than 5 hours of PIC flight time in the AC60 airplane.

Note, the flight instructor does not hold the AME rating on his flight instructor certificate.

Note, the flight instructor only holds the Instrument Airplane rating on his flight instructor certificate.

My question is can the flight instructor give this pilot a high altitude endorsement and training in this pressurized AC60 (Rockwell Turbo Commander)?

As I read the FAQ for Part 61, I find several parallels where instruction given by a CFI (ASEL) who is rated as a multiengine commercial pilot in multiengine airplanes. One such example is outlined in Part 61FAQ's Q&A#457.

"However, there is no regulatory requirement in Part 61, other than § 61.193(f) and § 61.195(f) that apply. There is nothing that legally prohibits a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating only and has at least 5 hours of pilot-in-command flight time in the specific make and model of multiengine airplane per § 61.195(f) from giving the flight training required for the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" because the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" is a task associated with the Instrument-Airplane rating."

As I read in the Part 61 FAQ's Q&A-457, the flight instructor in my scenario may give high altitude training and endorsement in an AC-60 multiengine airplane because none of the requirements in § 61.31(g)(1) and (2) are specific to a multiengine airplane. I believe as long as the flight instructor has at least 5 hour of PIC flight time in the AC60 being used to give the high altitude endorsement training then nothing would appear to legally prohibit him from issuing the endorsement. Additionally, the high altitude endorsement in a pilots logbook is not specific to single or multiengine airplane. For the sake of this example, we could consider the flight instructor to be the flight instructor who will be giving the high altitude endorsement training. I see no difference between a flight instructor who is endorsed for the high altitude endorsement and the person who only holds a Flight Instructor Certificate - Instrument Airplane with respect to training in a multiengine airplane as long as the training does not include multiengine airplane tasks and areas of operations. Do you agree?

ANSWER: Ref. § 61.195(b)(1) and § 61.31(g)(2); No, a person who only holds the Instrument-Airplane rating on his/her flight instructor certificate may not give the high altitude training and endorsement required by § 61.31(g) in a multiengine land airplane [e.g., AC60 (Rockwell Turbo Commander)]. The flight instructor would have to hold the AME rating on his/her flight instructor certificate. Per § 61.195(b)(1), "... 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 ..."

Furthermore, in response to your statement that "... the high altitude endorsement [and training] in a pilots logbook is not specific to single or multiengine airplane ...", I would agree in principle to that statement. However, the flight training that is required for the high altitude training and endorsement, as stated in § 61.31(g)(2), is not the kind of flight training that a flight instructor receives for the Instrument Airplane rating at the flight instructor certification level. Specifically, the kind of flight training required by § 61.31(g)(2) for the high altitude training and endorsement is:

- (i) Normal cruise flight operations while operating above 25,000 feet MSL;

- (ii) Proper emergency procedures for simulated rapid decompression without actually depressurizing the aircraft; and
- (iii) Emergency descent procedures.

None of the flight training required in subparagraphs (i), (ii), and (iii) of § 61.31(g)(2) for the high altitude endorsement are in the areas of operations and tasks that a flight instructor receives for the Instrument Airplane rating. As I previously stated in Q&A-457, a person who only holds the Instrument-Airplane rating on his/her flight instructor certificate may only give training on the following areas of operation and tasks that are associated with an Instrument-Airplane rating:

- I. Preflight preparation
 - A. Weather information
 - B. Cross-country flight planning
- II. Preflight procedures
 - A. Aircraft systems related to IFR operations
 - B. Aircraft flight instruments and navigation equipment
 - C. Instrument cockpit check
- III. Air traffic control clearances and procedures
 - A. Air traffic control clearances
 - B. Compliance with departure, en route, and arrival procedures and clearances
 - C. Holding procedures
- IV. Flight by reference to instruments
 - A. Straight-and-level flight
 - B. Change of airspeed
 - C. Constant airspeed climbs and descents
 - D. Rate climbs and descents
 - E. Timed turns to magnetic compass headings
 - F. Steep turns
 - G. Recovery from unusual flight attitudes
- V. Navigation systems
 - Intercepting and tracking navigational systems and DME arcs
- VI. Instrument approach procedures
 - A. Nonprecision instrument approach
 - B. Precision ILS instrument approach
 - C. Missed approach
 - D. Circling approach
 - E. Landing from a straight-in or circling approach
- VII. Emergency operations
 - A. Loss of communications
 - B. One engine inoperative during straight-and-level flight and turns (multiengine)
 - C. One engine inoperative—instrument approach (multiengine)
 - D. Loss of gyro attitude and/or heading indicators
- VIII. Postflight procedures
 - Checking instruments and equipment

{Q&A-585}

QUESTION: The situation is a flight instructor has asked the question whether he can give flight training in a tailwheel airplane and yet he has not previously met the additional training requirements for operating a tailwheel airplane [i.e., §61.31(i)].

ANSWER: Ref. § 61.1(b)(2); § 61.31(i)(1); No, a flight instructor cannot give flight training in a tailwheel airplane for the tailwheel airplane endorsement unless he has complied with § 61.31(i). Per § 61.31(i)(1), it states, in pertinent part, “. . . from an authorized instructor in a tailwheel airplane . . .” Per § 61.1(b)(2)(ii), it states, in pertinent part, “. . . in accordance with the privileges and limitations of his or her flight instructor certificate . . .”

The flight instructor would not be considered an “authorized instructor” for providing flight training in a tailwheel airplane for the tailwheel airplane endorsement.
{Q&A-551}

QUESTION: I have a question that I cannot find the answer to. I hold the flight instructor certificates of CFI CFII and MEI. Recently, I have taken a part 135 PIC checkride with an FAA inspector in a CE 414, which is of course a pressurized aircraft. Because of this, I do not need a high altitude endorsement to operate the aircraft as PIC (§ 61.31(g)(3)(iv)). My question is.....am I able to give flight training in a pressurized aircraft to part 91 pilots, or is my exemption to 61.31(g), solely based on the me operating the aircraft under 135? I have also taken this question to AOPA, and they to have searched for the answer and have led me to you. I would very much appreciate a response to the question in case this should ever arise in my career.

ANSWER: Ref. § 61.31(g). Yes, you are authorized to give flight training in a pressurized aircraft to persons in training per provisions of Part 61 if you have met the requirement of 61.31(g)(3)(iv). You have met the requirements to act/serve as pilot-in-command of pressurized aircraft in part 91 as well as part 135 operations per 61.31(g)(1) & (g)(2) wherein each state: “Except as provided in paragraph (g)(3) of this section, ...” . When accomplishing the part 135 requirement it would be helpful to have that part 135 check airman make an endorsement in your personal logbook stating how and when the requirement was met with reference made to 61.31(g)(3)(iv). This would save you the trouble of obtaining company training records documenting “satisfactory accomplishment” at a later date if the “Administrator” (inspector doing a ramp check, etc) wishes to see the endorsement per 61.31(g).
{Q&A-537}

SCENARIO: A pilot who holds a Private Pilot Certificate - LTA Balloon, Airborne Heater rating is taking flight training in an airplane single-engine land for an additional airplane category rating and single-engine land class rating.

QUESTION: Does this applicant need an initial solo-endorsement [see § 61.87(l)] for the airplane make/model in his logbook?

ANSWER: Ref. § 61.31(d)(3); In order for the pilot to operate the aircraft in solo flight, he/she would be required to have a solo endorsement in his/her logbook. Per § 61.31(d)(3), the rules states, in pertinent part, “. . . and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft . . .” [emphasis added: “. . . required endorsements . . .”].

QUESTION: Does this solo endorsement have to be updated every 90 days [see § 61.87(l)] unless he/she receives the ASEL category/class rating before hand?

ANSWER: Ref. § 61.31(d)(3) and Endorsement #35 in Appendix 1 of Advisory Circular 61-65D; The person you are giving flight training to holds a private pilot certificate. He is not a student pilot. The person only needs to have received Endorsement #35 (located in Appendix 1 of Advisory Circular 61-65D) in order to serve as a PIC in an airplane single engine land. The person does not need the 90-day solo endorsement.

Endorsement #35 states:

35. To act as PIC of an aircraft in solo operations when the pilot who does not hold an appropriate category/class rating: § 61.31(d)(3)

I certify that (First name, MI, Last name) has received the training as required by § 61.31(d)(3) to serve as a PIC in a (category and class of aircraft). I have determined that he/she is prepared to serve as PIC in that (make and model of aircraft). S/S [date] J.J. Jones 987654321CFI Exp. 12-31-00

The person may continue to perform solo flight operations on the basis of Endorsement #35. However, even though the rules do not specifically state any requirement for limiting the endorsement to 90 days, it would be prudent of

the flight instructor to place such a limitation. However, the rules do not specifically require you to place such a limitation.

QUESTION: Would he/she have to have necessary solo cross-country endorsements [see § 61.93(b)] from the instructor for cross-country flights? Would the person be required to carry their logbook on a solo cross-country flight?

ANSWER: Ref. § 61.31(d)(3); Yes, the person would be required to have a solo cross-country endorsement in his logbook. Per § 61.31(d)(3), the rules states, in pertinent part, “. . . To serve as the pilot in command of an aircraft, a person must-- . . . and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft . . .” [emphasis added: “. . . required endorsements . . .”]. Yes, the person would be required to have a solo cross-country endorsement to operate as PIC on a solo cross-country flight.

There is no rule or guidance on whether the person is, or is not, required to carry his/her logbook on a solo cross-country flight. So, since there is no rule concerning this issue, the pilot is not required to carry his/her logbook. The carriage of logbooks on solo cross-country flights is only for student pilots [see § 61.51(i)(2)(i)].

QUESTION: Would the pilot be required to complete a pre-solo knowledge test [see § 61.87(b)]?

ANSWER: Ref. § 61.63(b)(1) and § 61.87(b); No, the pre-solo knowledge test requirement is only for student pilots.

However, per § 61.63(b)(1), it does state, in pertinent part, “. . . Must have received the required training . . . that applies to the pilot certificate for the aircraft category and, if applicable, class rating sought . . .” So, if the person is receiving training for the purpose of applying for the add-on ASEL rating at the private pilot certification level, that person “. . . Must have received the required training . . .” Otherwise, it means the required ground training as listed in § 61.105 appropriate to the Airplane category rating and the required Airplane Single Engine Land flight training as listed in §§ 61.107(b)(1) and 61.109(a). So, even though the rules do not specify any requirement for administering a pre-solo knowledge test, it may be prudent of you to require and record results of a pre-solo knowledge test. But there is no regulatory requirement to do so.

But, in light of § 61.63(b)(5), when a person only holds a rating in a non-powered aircraft (like your person who holds a private pilot certificate with the LTA Balloon rating) and is applying for an additional category rating in a powered aircraft (like your person who is applying for the Airplane Single-Engine Land rating), § 61.63(b)(5) does require an applicant to accomplish an additional knowledge test. So, I believe it would be prudent to administer the pre-solo knowledge test. Remember, the person is taking training to learn how to fly a single-engine airplane. The person may be a certificated and rated pilot, but is not qualified or rated to fly a single-engine airplane.

QUESTION: Would the pilot be required to have a Class B endorsement? 25 nm solo endorsements? Repeated cross-country endorsements over the same route, 50 n.m?

ANSWER: Ref. § 61.95(a)(3); § 61.93(b)(1); and § 61.93(b)(2); No, this certificated pilot would not be required to have those endorsements. The endorsement requirement for the Class B endorsement [i.e., § 61.95(a)(3)] is only for student pilots. The endorsement requirement for the 25 nm solo endorsement [i.e., § 61.93(b)(1)] is only for student pilots. The endorsement requirement for the repeated 50 n.m cross-country endorsement over the same route [i.e., § 61.93(b)(2)] is only for student pilots.

Essentially, the questions you've asked about, there is no rule or guidance on whether a certificated pilot is, or is not, required to have the above endorsements.

However, it may be prudent of the flight instructor to sign the person off with an endorsement as though he/she was a student pilot because even though the person is a certificated pilot but the person's previous pilot certification and qualification did not involve flight training in Class B airspace.

And also, it may be prudent of the flight instructor to sign the person off with an endorsement as though he/she was a student pilot because even though the person is a certificated pilot but the person's previous pilot certification and qualification did not involve flight training on flying 25 nm solo flights.

And also, it may be prudent of the flight instructor to sign the person off with an endorsement as though he/she was a student pilot because even though the person is a certificated pilot but the person's previous pilot certification and qualification did not involve flight training on flying repeated 50 n.m cross-country flights.

{Q&A-516}

QUESTION: I have a request from an owner of a Rutan Defiant (it looks like a multiengine land airplane and holds an experimental airworthiness certificate). This person currently holds only an Airplane Single Engine Land rating on his pilot certificate. We believe that he doesn't need to hold an Airplane Multiengine Land rating in order to fly this Rutan Defiant solo. However, we think that he should have an Airplane Multiengine Land rating if he carries passengers?

How can I make one of our DPE's legal to give this applicant a practical test in the Rutan Defiant for the Airplane Multiengine Land rating?

ANSWER: Ref. § 61.31(k)(2)(iii), § 91.319(e); Granted, per § 61.31(k)(2)(iii), this rule does not state that a pilot is required to hold the Airplane Multiengine Land rating in order serve as a pilot in a Rutan Defiant (holds an experimental airworthiness certificate). However, per § 91.319(e) and on page 113, paragraph 134(b)(17) and (18) of FAA Order 8130.2D, "Airworthiness Certification of Aircraft and Related Products," the limitations that have been incorporated in the letter of operating limitations that gets issued with the aircraft's experimental airworthiness certificate may require the person to hold an Airplane Multiengine Land rating.

Per FAA Order 8130.2D, "Airworthiness Certification of Aircraft and Related Products," [on page 113, paragraph 134(b)(17)] it states:

134. Issuance of Experimental Amateur-Built Operating Limitations.

* * *

b. The following operating limitations shall be prescribed to experimental amateur-built aircraft:

* * *

(17) The pilot in command of this aircraft shall hold an appropriate category/class rating. If required, the pilot in command must also hold a type rating per 14 CFR, Part 61, or a "Letter of Authorization" issued by an FAA Flight Standards Inspector.

NOTE: This limitation is applicable to any turbojet/turbofan powered aircraft or an aircraft with a maximum takeoff weight exceeding 12,500 pounds, or any other aircraft when deemed necessary. Flight Standards inspectors should refer to Order 8700.1 for further guidance.

And per FAA Order 8130.2D, "Airworthiness Certification of Aircraft and Related Products," [on page 113, paragraph 134(b)(18)] it states:

(18) The pilot in command of this aircraft shall hold a category/class rating, or an authorized instructor's logbook endorsement. The pilot in command must meet the requirements of § 61.31(e), (f), (g), (h), (i), and (j) as appropriate.

NOTE: This operating limitation applies to most amateur-built aircraft as a standard operating limitation [reference 14 CFR § 61.31(k)].

So, if the aircraft's letter of operating limitations were written properly [in accordance with FAA Order 8130.2D] then the person will be required to hold an Airplane Multiengine Land rating to serve as pilot in command on this Rutan Defiant. I've received some information that some DARs or other certifying officials have inadvertently

ignored the provisions set forth on page 113, paragraph 134(b)(17) and (18) of FAA Order 8130.2D, "Airworthiness Certification of Aircraft and Related Products." It is most important that our Aviation Safety Inspectors ensure that the letter of operating limitations that is issued with the aircraft's experimental airworthiness certificate contains the appropriate pilot in command qualifications.

As for your question "How can I make one of our DPE's legal to give this applicant a practical test in the Rutan Defiant for the Airplane Multiengine Land rating?" First a determination must be made whether this Rutan Defiant is adequately equipped and capable to allow the applicant to comply with § 61.45(b)(1)(i) and the appropriate PTS for the Airplane Multiengine Land rating. For example, for the Airplane Multiengine Land rating at the private pilot certification level, in order for the Rutan Defiant to be used on the practical test it has to be determined that the aircraft is capable of performing ALL the required areas of operation and tasks set forth in the Private Pilot PTS for the Airplane Multiengine Land, FAA-S-8081-14. And that includes all of "X. Area of Operation: Emergency Operations" and "XI. Area of Operation: Multiengine Operations."

Once the determination has been made that the Rutan Defiant is capable of performing ALL the required areas of operation and tasks on the practical test then, and only then, the selected DPE's Certificate of Authority will be amended to include the Rutan Defiant. [see FAA Order 8710.3C, page 2-7, paragraph 13 and page 2-12, paragraph 5.L.] In addition, the DPE must be properly trained and qualified as a DPE to be authorized to administer practical tests in a Rutan Defiant. [see FAA Order 8710.3, page 2-7, paragraphs 13 and 15 on page 2-7] {Q&A-515}

QUESTION: I am currently giving flight training for a glider rating to a person who holds a commercial pilot certificate - airplane (ASEL/AMEL/IA). My questions concerns § 61.31(d)(3) which seems to say that more than one endorsement is needed, that is "the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft." Advisory Circular 61-65D, Appendix 1, lists two pre-solo endorsements (for day flights): Endorsement #1 for pre-solo aeronautical knowledge [§ 61.87(b)] and Endorsement #2 for pre-solo flight training [§ 61.87(c)]. Appendix 1 of Advisory Circular 61-65D also shows Endorsement #35, an endorsement to act as PIC of an aircraft in solo operations when the pilot who does not hold an appropriate category [§ 61.31(d)(3), for glider category in this case]. Does the endorsement shown in Endorsement #35 suffice for this person to solo a glider, or are the endorsements shown in Endorsement #1 and Endorsement #2 also required?

ANSWER: Ref. § 61.31(d)(3), § 61.87(b) and (c) and Endorsement #35 in Appendix 1 of Advisory Circular 61-65D; The person you are giving flight training to in a glider holds a commercial pilot certificate. He is not a student pilot. The person only needs to have received Endorsement #35 in order to serve as a PIC in a glider. The person does not need Endorsement #1 or Endorsement #2, nor are the endorsements appropriate for a certificated and rated pilot. Endorsement #1 and Endorsement #2 are predicated on the basis of § 61.87(b) and (c) which applies to student pilots only. {Q&A-493}

QUESTION: If I give this commercial pilot – airplane an endorsements for solo privilege in gliders, is Endorsement #4 (solo flight for each additional 90-day period) shown in Appendix 1 of Advisory Circular 61-65D required if this pilot wishes to solo the glider more than 90 days after the initial privilege endorsement?

ANSWER: Ref. § 61.31(d)(3), § 61.87(l)(2) and Endorsement #35 in Appendix 1 of Advisory Circular 61-65D; The person is not a student pilot and only needs to have received Endorsement #35 in order to solo a glider. The person does not need Endorsement #4 as this 90-day limitation [§ 61.87(l)(2)] only applies to student pilots. The person may continue to perform solo flight operations on the basis of Endorsement #35. However, as a flight instructor, even though the rules do not specifically state any requirement for limiting your endorsement to 90 days, it would be legally prudent of you to place such a limitation if you have any doubts about this person's judgment or his propensity to enjoy suing you. However, the rules do not specifically require you to place such a limitation, because those of us who rewrote Part 61 did not think it was necessary to attempt to regulate good vs. irrational judgment.

{Q&A-493}

QUESTION: Will this pilot also need the endorsement required by § 61.31(j) [Endorsement #42] prior his making his first solo flight with use of an aerotow procedure?

ANSWER: Ref. § 61.31(j)(1)(ii); Yes, this pilot will need an endorsement from you, prior to his first solo flight, that certifies in the pilot's logbook that the pilot has been found proficient in aerotow procedures and operations.
{Q&A-493}

CROSS-REFERENCE: See Q&A #428 under section of FAQ's for § 61.75 for a discussion of training and endorsement requirements for pilots holding Restricted U. S. pilot certificates [issued per § 61.75(a)]. Such pilots must comply with our U.S. additional aircraft training requirements that are contained in § 61.31 as appropriate.

QUESTION: Can a single-engine airplane that is equipped with a F.A.D.E.C system ("Full Authority Digital Engine Control") that controls both the engine and propeller with a single lever control, plus retractable landing gear and flaps, be used as a complex airplane for the purpose of the commercial pilot – airplane training and certification and the complex airplane endorsement?

ANSWER: Ref. § 61.31(e) and § 61.129(a)(3)(ii); No. The kind of airplane that you described as being equipped with a F.A.D.E.C system that controls both the engine and propeller with a single lever control would not meet the requirements for an airplane equipped a controllable pitch propeller. Therefore, such airplanes could not be used for the training to receive the complex airplane endorsement required by § 61.31(e) “. . . (an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller) . . . “ Nor can they be used for the commercial certificate aeronautical experience required by § 61.129(a)(3)(ii) or § 61.129(b)(3)(ii) [. . . training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller . . .].
{Q&A-467}

QUESTION: See complete text of Q&A-438 under section of FAQ's for § 61.23. A pilot received multiengine flight instruction and the high performance training and endorsement from a CFI and subsequently learned that the CFI did not have a valid medical certificate. The pilot receiving training was not multiengine rated, so neither could act as a PIC or a required crewmember. The question is whether all of the endorsements received and even the flight instruction logged would be invalid.

ANSWER: Ref. § 61.23(a)(3)(iv) and (b)(5) and § 61.31(f); Neither the endorsements nor the flight training received would become invalid just because the flight instructor did not have a current medical certificate. No place in § 61.31(f) does it qualify the endorsement or the flight training must be given by an authorized instructor who holds a current medical certificate. Per § 61.31(f)(1)(i) it only requires that the ground and flight training be given by an authorized instructor. And per § 61.1(b)(2), it only defines what is an "authorized instructor." Again there, there is no qualifier that an authorized instructor must hold a current medical certificate. Nor in §§ 61.193 and 61.195 does it require the authorized instructor must hold a medical certificate. Only in § 61.23(a)(3)(iv) does it establish the medical certification requirements for a flight instructor.

However, the flight instructor will probably be getting a letter of investigation to inquire why he/she was serving as a required crewmember/PIC without holding at least a current medical certificate.
{Q&A-438}

QUESTION: An airman does not hold the tail-wheel endorsement required by 61.31(i) in order to act as PIC. He has a conventional gear aircraft but is configured with skis on the main gear and a wheel on the tail gear. Can he receive the tail-wheel endorsement in the aircraft? Can you meet the training requirement for wheel landings in a ski plane?

ANSWER: Ref. § 61.31(i) and Airplane Flying Handbook, FAA-H-8083-3, Chapter 15 and 17; No. An airplane that is configured with skis on the main gear and a wheel on the tail gear could not be used for meeting the additional training required by § 61.31(i) to serve as a PIC in a "tailwheel airplane."

Reviewing the Airplane Flying Handbook, FAA-H-8083-3 in Chapter 15 "Transition to Tailwheel Airplanes" vs. Chapter 17 "Transition to Skiplanes," and discussing the issue with a qualified ASI who has flown both the "tailwheel airplane" and the "ski-configured airplane" verify our conclusion. So, the training and qualification in an airplane configured with "skis" would not equate to the required additional training in a "tailwheel airplane." As per the Airplane Flying Handbook, FAA-H-8083-3, Chapter 17 Transition to Skiplanes, page 17-2 under the paragraph identified as "General," it states:

Although Title 14 of the Code of Federal Regulations (14 CFR) Part 61 does not require specific pilot training and authorization to operate skiplanes, it is important for pilot to train with a qualified skiplane flight instructor.

There are significant differences in the takeoff and landing handling characteristics of the "tailwheel airplane" and the "ski-configured airplane". In accordance with § 61.31(i), there is an additional training requirement for operating a "tailwheel airplane." Per § 61.31(i), the training must include normal and crosswind takeoffs and landings, wheel landings (unless the manufacturer has recommended against such landings), and go-around procedures. The handling characteristics of performing those training maneuvers in an airplane configured with "skis" would not be the same as the handling characteristics of performing those training maneuvers in a "tailwheel airplane."

QUESTION: Can an instructor legally give a tail-wheel endorsement in a "ski-configured airplane" with the limitation "valid only for a ski equipped airplane?" I do not believe that the above mentioned limitation is appropriate because there is no provision for it in the regulation. I think we need to clarify the rule and make provisions for an endorsement for operating ski equipped tail-wheel type (conventional gear airplanes).

ANSWER: Ref. § 61.193 and § 61.31(i), The only rule that I know that addresses flight instructors being permitted to qualify their endorsement is for student pilots in 14 CFR § 61.89(a)(8). There it states a student pilot may not act in a manner contrary to any limitation placed in the pilot's logbook by an authorized instructor. But, other than 14 CFR § 61.89(a)(8), there are no rules that would specifically allow or prevent an instructor from qualifying his/her endorsement with limitations for the kind of situation you have presented in your question. I have heard that some flight instructors do qualify their endorsements hoping to protect themselves from possible lawsuits. Whether a qualifying limitation would stand up in the Courts is anybody's guess! However, there are no rules in Part 61 that require specific pilot training and authorization to operate a "ski-configured airplane." And an endorsement to operate a "ski-configured airplane" will not permit a pilot to operate a "tailwheel airplane."

QUESTION: What is the definition of "tail-wheel airplane?"

ANSWER: Ref Airplane Flying Handbook, FAA-H-8083-3, Chapter 15; The only place where I could find a written description of what a tail-wheel airplane is, is in the Airplane Flying Handbook, FAA-H-8083-3, Chapter 15 where it describes a tail-wheel airplane as a conventional gear airplane where the main landing gear forms the principal support of the airplane on the ground. The tailwheel also supports the airplane, but steering and directional control are its primary functions. With the tailwheel airplane, the main struts are attached to the airplane slightly ahead of the airplane's center of gravity.
{Q&A-425}

QUESTION: What if you have an airplane with a 185 HP engine that is rated for 205 HP on take/off. Someone mentioned that a Navion qualifies for this. I realize that it also would be a complex aircraft. If I had a complex sign-off but no high performance am I legal?

ANSWER: Ref. § 61.31(f)(1)(ii); You'll need to have "... (ii) Received a one-time endorsement in the pilot's logbook from an authorized instructor who certifies the person is proficient to operate a high-performance airplane."

As for whether a Navion that is rated for 205 horsepower on takeoff and that qualifies it, as per the definition of a high performance airplane, the rule § 61.31(f) just says a high performance airplane is "... (an airplane with an engine of more than 200 horsepower) ...". If someplace in the airplane's flight manual if the engine specifications says "more than 200 horsepower" it qualifies as a high performance airplane. § 61.31(f) doesn't qualify the

definition of “. . . more than 200 horsepower . . .” it just says “. . . (an airplane with an engine of more than 200 horsepower) . . .”

If Navion's engine specifications show “. . . more than 200 horsepower . . .” it meets the definition of a high performance airplane per § 61.31(f) and the appropriate endorsement is required unless the provision of § 61.31(f)(2) is met.
{Q&A-413}

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 flight 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 a current 3rd Class Medical Certificate and a Flight Review completed within the past 24 calendar months. 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 § 21.191 (g). I will be licensing my single-place gyroplane in the Experimental Category. According to § 61.31 (k) (2) (iii), it appears that I can legally fly my single-place gyroplane with an Experimental certificate under a Private Pilot Certificate rated for Airplane Single-engine Land.

- (1) If I can fly it using my private pilot SEL certificate, what documentation do I need in case I was to be ramp checked?
- (2) If my private pilot SEL certificate is not adequate, what kind of authorization do I need to fly it?
- (3) How can I get a gyroplane rating added to my pilot certificate?

ANSWER: Ref. § 61.31(k)(2)(iii); As per §91.319(e), it depends on the special operating limitations issued with the aircraft's experimental airworthiness certificate. Regardless of what § 61.31(k)(2)(iii) appears to say, a pilot still must comply with §91.319(e) and the letter of special operating limitations. Normally, in that letter of operating limitations, the FAA always establishes a category and class rating required for operating an experimental aircraft. If the limitation says the experimental airworthiness certificate is predicated on the pilot holding a Rotorcraft-Gyroplane rating then that is what the pilot must hold.

Now, if you need to add a rotorcraft-gyroplane rating onto your pilot certificate, the rule that applies is § 61.63(b).
{Q&A-322} {Q&A-159}

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: Ref. § 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: 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: Ref. § 61.31(g)(2); 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 a 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 § 61.31 endorsements before he or she can properly log pilot-in-command time under 14 CFR § 61.51(e) when that pilot holds a private pilot certificate with a single-engine land rating and is receiving training in a single-engine land airplane that is also a complex or high performance airplane. Can this person log the time he or she manipulated the controls as pilot-in-command time.

ANSWER: Ref. § 61.51(e)(1)(i); Before discussing this issue, please note that the Frequently Asked Questions – Part 61 & 141 (FAQ's) are provided by the Flight Standards Service (AFS) for standardization purposes. The Office of the Chief Counsel does not review the FAQ's and accordingly, information provided on his website is not legally binding. Title 14 CFR § 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 § 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 § 61.5 and are placed on the pilot certificate.

Therefore, based on the scenario given, 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 § 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 § 61.31. 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. Title 14 CFR § 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 § 61.51(e). 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}

QUESTION: I want to give training and the required endorsement for operating pressurized aircraft capable of operating at high altitudes, 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 per the statement in § 61.31(g)(2): "...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: A commercial pilot with an airplane single-engine land rating is now seeking to add a helicopter rating onto his commercial pilot certificate. How can the applicant obtain and log the PIC flight time in a helicopter to show 35 hours of PIC flight time in helicopters as required per § 61.129(c)(2)(i)?

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

- Already hold a helicopter rating at the private pilot level. Then PIC flight 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
- Be the sole occupant of the aircraft and have a current solo endorsement in accordance with § 61.31(d)(3).

QUESTION: 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: Ref. § 61.51(e)(1)(i)No. You cannot log the time as PIC while his instructor is on board since you are not rated in the aircraft. § 61.31(d) deals with the requirements to "serve" as the pilot-in-command but does not authorize logging PIC. § 61.51 specifies proper pilot logbook entries. There has always been a difference between logging PIC flight time vs. acting/serving as PIC. § 61.31(d)(2) was written as a part of the original Notice of Proposed Rule Making (NPRM) in which the term "supervised PIC flight" was proposed. When this term was dropped with the revised NPRM in 1996, this subparagraph should have been removed but was overlooked.
{Q&A-146}

QUESTION: § 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). 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 having flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings?

ANSWER: Ref. § 61.107(b)(1)(iv). No. 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.

Ref. § 61.31(d)(2)(ii); The endorsements on a student pilot's certificate and associated logbook/training record per Subpart C – Student Pilots [§§ 61.81 through 61.95] provided the authorization for flight of aircraft by category and make & model. The endorsements per § 61.31 are not required for student pilot solo operations as authorized 61.31(k)(2)(ii). The endorsements, as appropriate, become required as soon as the student pilot passes a practical test and is issued a recreational or higher pilot certificate.
{Q&A-97}

QUESTION: Situation is, a person completed a high performance checkout in a Piper Cherokee with a 180 hp 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: Ref. § 61.31(f); No; A Piper Cherokee with a 180 hp 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 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 180 hp Piper Arrow and the pilot has never flown an aircraft with an engine having more than 200 hp?

ANSWER: Ref. § 61.31(f); No, a pilot does not PIC privileges in an airplane that has an engine of more than 200 hp--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: 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: Ref. § 61.31(e); No, the pilot 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: If a private pilot is acting as SIC in a complex airplane, does that pilot need the complex endorsement?

ANSWER 1: § 61.31(e); No, the complex endorsement does not apply; The complex airplane additional training requirement is only for pilots who seek to act as a PIC in a complex airplane. § 61.55 may apply, if the complex airplane requires an SIC.
{Q&A-67}

QUESTION: Does 61.31(f) apply only to single-engine airplanes? Almost all multiengine airplanes have more than 200 total horsepower. 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: Ref. § 61.31(f); It says airplane. It doesn't say single-engine airplane, it doesn't say multiengine, it reads "airplane" and in pertinent part, "... an engine . . ." 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. In your example, you state that both engines are exactly 200 horsepower. That does not meet the definition of a high performance airplane.
{Q&A-22} {Q&A-24}

QUESTION: Is a Piper Seneca II a high performance airplane. The Piper Seneca 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: Ref. § 61.31(f); 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 Seneca 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: 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: Ref. § 61.31(f) and (g); Yes. Some PIC flight 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 flight 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: Now that "AERO TOW ONLY" and "GROUND LAUNCH ONLY" are obsolete, should we reissue all certificates with glider ratings to read "(PVT/COML) 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: Ref. § 61.31(j); FAA Order 8700.1 has been redrafted 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.

{Q&A-8}

§ 61.33 Tests: General procedure

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: Ref. § 61.33 and § 61.43; 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. § 61.105(b)(4) requires ground training on "Use of aeronautical charts for VFR navigation using pilotage, dead reckoning, and navigation systems." § 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 Knowledge test: Prerequisites & grades

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: Ref. § 61.35 and § 61.183. There was no change in policy. Although there was a major revision of Title 14 CFR Part 61 effective August 4, 1997, the requirements for taking the ATP, flight instructor (CFI & CFII), fundamentals of instruction (FOI), military competency (MC), foreign pilot instrument (IFP) or the certificated ground instructor (CGI) knowledge test did not change. Unlike the requirements for some airmen certifications under §§ 61.65(a)(4), 61.96(b)(5)(ii), 61.103(d)(2), and 61.123(c)(2) that clearly require for eligibility an endorsement certifying the applicant is prepared for the appropriate knowledge test, applicants are not required to provide an instructor endorsement of preparation to take the ATP, CFI & CFII, FOI, MC, IFP or the CGI knowledge tests. § 61.183(d) states that to be eligible for a flight instructor certificate or rating a person must have "a logbook endorsement from an authorized instructor on the fundamentals of instructing listed in § 61.185(a)(1) of this part appropriate to the required knowledge test." The regulation does not require that the endorsement state that the applicant is "prepared" for the test; instead it simply requires a certification that instruction has been received. When the applicant applies for an initial flight instructor practical test, an examiner must ensure that the applicant has received the logbook endorsement required under § 61.83(d), but the logbook endorsement does not need to be presented to take the knowledge test. However, we do note that in accordance with § 61.49, if an applicant is reapplying to take the knowledge test after failing, an instructor endorsement is required. Paragraph 5.b. of Advisory Circular (AC) 61-65D also relates this information.

If you are interested in further written verification or information, the Computer Test Designees (CTDs), one of which is the CATS organization, are directed by FAA Order 8080.6C, "Conduct of Airman Knowledge Tests." This may be viewed at <http://afs600.faa.gov/AFS600.htm> under the section for AFS-630 and heading "Other Test Info". Chapter 7., Paragraph 7-1 of that Order refers to the "FAA Airman Knowledge Testing Authorization Requirements Matrix" which is guidance for computer test designees. This is also found in the AFS-630 site under "Other Test Info." On page #6 of that "Matrix" you will find that the CTDs are told that no authorization is necessary to take the instructor tests listed -- including, as it happens, the FOI test.
{Q&A-173}

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: 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: Ref. § 61.35; § 61.35 applies to ATP applicants taking the ATP knowledge test just like it applies to all other applicants for knowledge tests. However, § 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: Ref. § 61.35(a)(2)(iii) and § 61.39(a)(5); No, a person may not take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21.

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 may not be administered before the person’s 23rd birthday; 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: Ref. § 61.35; There is no eligibility prerequisite for the ATP knowledge test other than age, which is addressed in § 61.35. For the ATP knowledge test, there is not an endorsement requirement. Let the person take the knowledge test.

{Q&A-58}

QUESTION: Why is the wording in § 61.35(a)(2)(iv) worded “(iv) *Actual residential address, if different from the applicant’s mailing address,*”

but § 61.29(d)(2) is worded “(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 § 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: Ref. § 61.35(a)(2)(iv); We will need to 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}

§ 61.39 Prerequisites for practical tests

QUESTION: I have an applicant who had his pilot certificate and ratings revoked because he made a false statement on his medical certification application about a past DUI conviction. Does this applicant have to have “. . . received and logged training time within the 60 days preceding the date of application in preparation for the practical test . . .” for each and every practical test (*i.e.*, his Private Pilot Certificate, Commercial Pilot Certificate, and Instrument rating) before he reapplies to earn back his ATP Certificate? For example, would this applicant have to have received the required 3 hours of flight training in preparation for the Private Pilot Certification practical test which must have been performed within 60 days preceding the date of the test? And would this applicant have to have received the required 3 hours of flight training in preparation for the Commercial Pilot Certification practical test which must have been performed within 60 days preceding the date of the test? And would this applicant have to have received the required 3 hours of flight training in preparation for the Instrument Rating practical test which must have been performed within 60 days preceding the date of the test?

ANSWER: Ref. § 61.39(a)(6)(i) and (ii) and (iii); § 61.109(a)(4); § 61.129(a)(3)(v); § 61.65(d)(2)(ii); Yes, the applicant is required to have received the required training and have the instructor endorsement for each and every practical test. Which means for the Private Pilot certification practical test, the applicant must have an instructor endorsement and received the required 3 hours of flight training in preparation for the Private Pilot Certification practical test within 60 days preceding the date of the test. And for the Commercial Pilot certification practical test, the applicant must have an instructor endorsement and received the required 3 hours of flight training in preparation for the Commercial Pilot Certification practical test within 60 days preceding the date of the test. And for the Instrument rating practical test, the applicant must have an instructor endorsement and received the required 3 hours of flight training in preparation for the Instrument rating practical test within 60 days preceding the date of the test.

{Q&A-639}

QUESTION: In FAA Order 8710.3C, Chapter 13, Section 1, paragraph 3.B., it is written that an applicant for the CFI is not required to hold a current medical certificate. This is true only if the examiner agrees to be the PIC of the flight. It is otherwise written in the FAR's that the examiner is not the PIC according to § 61.47(b). It is also written in § 61.39(a)(4), that a 3rd class medical certificate is required for practical tests if a medical is required.

ANSWER: Ref. § 61.39(a)(4); Per § 61.39(a)(4), it states “. . . to be eligible for a practical test for a certificate or rating . . . (4) Hold at least a current third-class medical certificate, if a medical certificate is required.” The key phrase here is “. . . if a medical certificate is required.” A flight instructor is not required to hold a medical certificate provided that person is not acting as pilot-in-command or serving as a required pilot flight crewmember.

Therefore, if somebody else agrees to act as the PIC, like the examiner, and the practical test is being performed in an aircraft that only requires one required pilot flight crewmember, then in this situation the flight instructor applicant would not need to hold a medical certificate.

However, the FAA strongly recommends that examiners not agree to act as the PIC, because of the possible legal liability and financial responsibility that an examiner assumes when agreeing to act as the PIC.

{ Q&A-494 }

QUESTION: Examination results validity for an ATP Upgrade: Please kindly advise whether there is a time limit for the validity of ATP ground examination result for the purpose of obtaining an ATP. In other words, if I have passed the ATP ground examination but I do not have enough flying hours, will there be any time limit for me to accumulate sufficient flying hours before I will be required to take the examination again? I am an employee of a Hong Kong flag air carrier.

ANSWER: Ref. 14 CFR § 61.39(a)(1); Yes, there is a time limit on the duration period of a knowledge test (our "knowledge test" is same as a ground examination/written test) results. Per 14 CFR § 61.39(a)(1), a practical test must have been passed "... within the 24-calendar month period preceding the month ... " in which the practical test is accomplished. For example, if a knowledge test was accomplished on March 1, 2000 (or on any date within the month of March of 2000). That knowledge test results would be valid for meeting the prerequisite eligibility requirements for the practical test up until and including the date of March 31, 2002. There is an exception to this time limit; however, it is unlikely that it applies to your question since you are an employee of a foreign air carrier. This exception is addressed in 14 CFR § 61.39(b). It only applies to pilots employed by a U.S. air carrier that are operating under 14 CFR Parts 121, 125, or 135.

{ Q&A-486 }

QUESTION: Here's the situation: a person's certificates were all revoked. Legal made a deal that he could re-qualify in a month. He has 10,000 hours, and he's still 90-day PIC current.

The month is now over. He's taken all of his knowledge tests and now he will be going to a pilot examiner to take the checkrides. Each rule (private, commercial, instrument) says he needs three hours of prep. We know that the maneuvers on each test are different. We're pretty sure, though, that the instrument stands on it's own, but could the private/commercial 3 hours be combined, or, could they all be? We're flexible; no one is digging his or her heels in.

He will be taking all of his checks in a CE402 @ \$\$\$ an hour, so the FSDO was calling to see if he could get some relief. But we would understand if there were none.

ANSWER: Ref. § 61.39(a)(6)(i); The way the rules [i.e., § 61.109(a)(4) or (b)(4)] are structured/formatted, they require "3 hours of flight training in a [single-engine / multiengine] airplane in preparation for THE practical test within the 60-day period preceding the date of the test. Which means the private pilot practical test.

And the way the rules, [§ 61.129(a)(3)(v) or (b)(3)(v)], are structured/formatted they require "3 hours in a [single-engine / multiengine] airplane in preparation for the practical test within the 60-day period preceding the date of the test." Which means the commercial pilot practical test.

And the way the rule, [§ 61.65(d)(2)(ii)], is structured/formatted, it requires "At least 3 hours of instrument training that is appropriate to the instrument rating sought from an authorized instructor in preparation for THE practical test within the 60 days preceding the date of the test."

So, this means the revocation re-qualification applicant must accomplish 3 hours of flight training prior to the private pilot practical test. And 3 hours of flight training prior to the commercial pilot practical test. And 3 hours of instrument training prior to instrument rating practical test. Which equates to a grand total of 9 hours of training within the 60-day period preceding the date of the test.

{ Q&A-434 }

QUESTION: 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 endorsement is required (rather than just the 8710-1 signoff) for the knowledge test review. Is this true and applicable to CFI applicants?

ANSWER: 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: 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 § 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: 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 satisfactory 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.

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.

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.

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)(iii) and he/she demonstrates satisfactory knowledge."

{Q&A-314}

QUESTION: 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: 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: 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 be 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: 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:

- 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 . . .”
- 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 . . .”
- 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: Ref. § 61.39(a)(6) and (7); No. 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 always 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: Ref. § 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: 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?"

ANSWER: Ref. § 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. However, appropriate tasks for multiengine performance from the applicable PTS [Commercial PTS per this situation] not tested in the type rating practical test must be included. This is per item #3 of "Practical Test Prerequisites: Aircraft Type Rating" on page 7 of the ATP & Aircraft Type Rating Practical Test Standards, FAA-S-8081-5D.

{Q&A-263}

QUESTION: 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? § 61.63(d) and § 61.157(b) seem 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: Ref. § 61.39(c)(3) and § 61.157(b)(2); 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: 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 received 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 FAA 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: Ref. § 61.35(a)(2)(iii) and § 61.39(a)(5); No, a person may not take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21 and the ATP practical test before age 23.

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 person's 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} and {Q&A-114}

QUESTION: 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: Ref. § 61.23 (a)(3) and § 61.39(a)(4); The applicant would be required to hold at least a 3rd class medical certificate. I'm assuming the applicant will be the PIC during the practical test.

However, if the DPE agrees to act as the PIC on the practical test, then the CFI applicant would not be required to hold a medical certificate § 61.23(b)(5) and § 61.39(a)(4). But that is the unique situation where the DPE agrees to act the PIC. For simplicity in this answer, just plan on the applicant being required to hold at least a 3rd class medical certificate.

The reference in § 61.39(a)(4) "... if a medical is required ..." really applies to balloon and glider pilots.
{Q&A-60}

§ 61.41 Flight training from other than CFI's

QUESTION: The applicant also has about 30 hours of flight time in gliders in the United Kingdom. He is not rated in gliders in the U.K. Does his training time count toward solo and issuance of a certificate since it is an ICAO country even though the U.S. training requirements of § 61.87 and § 61.107 have not been met?

ANSWER: Ref. § 61.41(a)(1)(ii) and (2); Yes, the 30 hours of flight time that was received in gliders in the United Kingdom may be credited for meeting the aeronautical experience requirements of § 61.109(f). In order for the flight time to be creditable, the foreign flight instructor's qualifications must conform to § 61.41(a)(1)(ii) and (2) and the flight time must be properly documented, as per § 61.51(b) and (h).
{Q&A-588}

QUESTION: I have a rated military pilot who holds an ATP with an AMEL rating. This military pilot has official military documentation of having passed an U.S. military pilot check and instrument proficiency check in a C-9 type of aircraft as pilot in command during the 12 calendar months before the month of application. The military pilot wants to make application for a DC9 type rating to be added to his ATP certificate. Is this permissible for this DC9 type rating to be added to the military pilot's ATP certificate at the ATP certification level or must it be issued at the commercial pilot certification level? If this military pilot wants to add the DC9 type rating to his ATP certificate and at the ATP certification level, must he be administered a DC9 type rating practical test in order to apply for the type rating at the ATP certification level?

ANSWER: Ref. § 61.73(g); The military pilot qualifies for the DC9 type rating at the ATP certification level on the basis of being in compliance with § 61.73(g)(1) & (2) because he holds an AMEL rating on his ATP certificate and he passed an official U.S. military pilot check and instrument proficiency check in the C-9 as pilot in command during the 12 calendar months before the month of application. No, the military pilot is not required to take a DC9 type rating practical test in order to apply for the type rating at the ATP certification level.
{Q&A-512}

QUESTION: I had a CFI call yesterday afternoon that 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 Certified Flight Instructor with U.S. certificate conduct the flight review?

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. Per § 61.56, an "authorized instructor", i.e. a U.S. Certified Flight Instructor (CFI) must conduct the flight review. Alternatively, a proficiency check conducted by a U.S. designated examiner or approved check airman will meet the requirement.
{Q&A-156}

§ 61.43 Practical tests: General procedures

QUESTION: There are two issues that pertain to the SA-227 type rating.

First Issue: SIC Limitation for the SA-227

All the SA-227's are type certificated to be operated without a pilot designated as an Second in Command flight crewmember. They are certificated as "single-pilot" airplanes.

All SA-227's Type Certificate Data sheets state, under minimum crew:

"One pilot except as otherwise required by the Airplane Flight Manual"

The SA-227's Airplane Flight Manuals states:

"Minimum crew required is one pilot except when two pilots are required by the operating rules" (FAR 121/135).

The SA-227-CC/DC have some conditions that must also be met in order to allow for single pilot operation, but the airplane is certificated as a "single-piloted" airplane. There is no autopilot requirement.

Section 61.43 addresses practical tests. Section 61.43(a)(5) states that an applicant must : "Demonstrate single-pilot competence if the aircraft is type certificated for single-pilot operations." Section 61.43(b) goes on to say: "If the 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."

As I've stated in the previous paragraph, all of the Fairchild Aircraft Corporation's SA-227's are type certificated for single pilot operations. Type ratings for this airplane must be issued under the provisions of § 61.5(b)(5)(i) to include § 61.43(a)(5) and (b).

Second Issue: Military Pilots who qualify for the SA-227 type rating in accordance with § 61.73

The military, especially the U.S. Navy has started using the C-26 (SA-227). Flight Safety International has contracts to train these military pilots. Some of these contracts include training that lead to a type rating, but some do not. Military pilots train as a crew, and operate as a crew. Some pilots receive a type rating through training at Flight Safety, and have the limitation: "Second in Command Required" placed on their pilot certificates. The remainder of the military pilots do not receive type ratings through training at Flight Safety, but obtain the type rating through the provisions of § 61.73, Military Pilots, (Military Comp.). Most FAA Aviation Safety Inspectors are not familiar with the SA-227's "single-pilot" status, and they issue the type-rating without the SIC limitation. The FAA's Airman Certification Branch in Oklahoma City, provided a list showing that in the past two years, 24 military pilots received SA-227 type ratings through the provisions of § 61.73 without the SIC limitation. So, these 24 military pilots were trained as a crew and operate as a crew, but are now certificated to fly the SA-227 as a single pilot.

I believe a memo should go out to all our FAA FSDO's to alert them of this issue. The FAA's Airman Certification Branch should be notified that all pilot applications they receive with the SA-227 type ratings that were based on § 61.73 must contain the SIC limitation. If not, then they must be returned to the FSDO with a correction notice.

ANSWER: Ref. § 61.43(a)(5) and (b); An applicant who performs the type rating practical test in an SA-227 and elects to perform the practical test as a single pilot will be issued the "SA-227" type rating. An applicant who performs the type rating practical test in an SA-227 and elects to use the services of an SIC will be issued the "SA-227" type rating with the limitation of "Second in Command Required."

As you stated, the SA-227 type certification data sheets states that the minimum crew is "One Pilot except as otherwise required by the Airplane Flight Manual." Or in the case of those SA-227s that were certificated under CAR 3, the AFM establishes the minimum crew as being one pilot except as otherwise required by the operating rules under which the airplane is being flown under.

Because the SA-227's Airplane Flight Manual or Type Certification Data Sheets makes provisions for the airplane to be operated with either a single pilot or with a 2-pilot flight crew, an applicant for the SA-227 type rating has the choice of performing the practical test as a single pilot or with an SIC designated.

So, in accordance with § 61.43(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." Therefore, in the case of those 24 military pilots who performed their practical test as a flight crew, the examiner should have placed "Second in Command Required" on their pilot certificates.

{Q&A-611}

QUESTION: What is the FAA's policy concerning discontinuing a practical test after the aeronautical knowledge portion [*i.e.*, the oral portion of the practical test] due to inclement weather. For example, an applicant is scheduled weeks in advance for a practical test but prior to the applicant arriving for his practical test, the weather has deteriorated making it unsafe to fly. Before the applicant arrives for the practical test, the applicant and the examiner discuss the situation via the telephone and then agree to have the applicant come on in and at least start the practical test by administering the aeronautical knowledge portion (*i.e.*, the oral portion of the practical test). They agree to schedule the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) for a later time within the next few days or weeks when the weather is forecast to improve. Is this permissible and does it meet the understanding of § 61.43(e)(2)?

ANSWER: Ref. § 61.43(e)(2), FAA Order 8710.3C, pg. 5-5, para. 19, FAA Order 8700.1 pg. 1-9, para. 5; Under the conditions cited in your example in your question, it would not be permissible for the examiner and applicant to agree to start the practical test by administering the aeronautical knowledge portion (*i.e.*, the oral portion of the practical test) and then schedule the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) for a later time. Granted per § 61.43(e)(2), the rule does provide for discontinuing a practical test for reasons due to “. . . inclement weather conditions, aircraft airworthiness, or any other safety-of-flight concern.” However, in the scenario in your example, you stated the inclement weather conditions were already present even before the applicant had arrived for the practical test. The examiner and applicant had not even begun the practical test and were discussing the inclement weather condition via the telephone. Therefore, the examiner and applicant should reschedule the entire practical test for later date where the demonstration of the aeronautical knowledge portion (*i.e.*, the oral portion of the practical test) and the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) can be conducted concurrently as required in FAA Order 8710.3C, pg. 5-5, para. 19 and in FAA Order 8700.1 pg. 1-9, para. 5

QUESTION: Now for a slightly different scenario. In this example, the applicant arrives for the practical test and the examiner begins to administer the aeronautical knowledge portion (*i.e.*, the oral portion of the practical test). After the applicant has begun the aeronautical knowledge portion of the practical test, the examiner notices the weather is deteriorating and the applicant and the examiner make the decision not to attempt the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) because of the pending inclement weather conditions. The examiner and applicant agree to schedule the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) for a later time within the next few days or weeks when the weather is forecast to improve.

Is there a different FAA policy concerning discontinuing a practical test after the aeronautical knowledge portion [*i.e.*, the oral portion of the practical test] due to inclement weather in this scenario?

Is this permissible and does it meet the understanding of § 61.43(e)(2)?

ANSWER: Ref. § 61.43(e)(2), FAA Order 8710.3C, pg. 5-5, para. 19, FAA Order 8700.1 pg. 1-9, para. 5; No, the FAA policy that addresses the scenario in your question is still governed by FAA Order 8710.3C, pg. 5-5, para. 19, FAA Order 8700.1 pg. 1-9, para. 5.

However, under the scenario cited in your example, it would be permissible for the examiner and applicant to agree to continue on with administering the aeronautical knowledge portion (*i.e.*, the oral portion of the practical test) and then schedule the aeronautical skill portion of the practical test (*i.e.*, the flight portion of the practical test) for a later time. As you stated in the scenario in your question, the examiner and the applicant had already begun the aeronautical knowledge portion of the practical test before the inclement weather conditions began to occur. As per § 61.43(e)(2), the rule provides for discontinuing a practical test for reasons due to “. . . inclement weather conditions, aircraft airworthiness, or any other safety-of-flight concern.”

The intent of the policy “. . . The two demonstrations are not intended to be separate tests; rather, they should be conducted concurrently . . .” that is stated in FAA Order 8710.3C, pg. 5-5, para. 19 and in FAA Order 8700.1 pg. 1-9, para. 5 is meant to prohibit examiners from routinely scheduling the aeronautical knowledge portion of the practical test for one date and then routinely scheduling the aeronautical skill portion of the practical test for a later date. In the past, the FAA has discovered some examiners who were routinely scheduling multiple oral tests for one date and then schedule the flight tests for later date. The reason these examiners were segmenting the practical test in this manner had nothing to do with inclement weather conditions, aircraft airworthiness, or safety-of-flight concern. The examiners were routinely scheduling the practical tests in this segmented manner as a matter of preferred convenience for the examiner. This kind of routine segmented scheduling practice of the practical test is not permissible under § 61.43(e)(2) and would be contrary to the policy contained in FAA Order 8710.3C, pg. 5-5, para. 19 and FAA Order 8700.1 pg. 1-9, para. 5 [*i.e.*, “. . . The two demonstrations are not intended to be separate tests; rather, they should be conducted concurrently . . .”].

{Q&A-589}

QUESTION: Can an applicant take a practical test for a type rating in the MU-300 from the right seat? They claim the applicant can perform all required duties from the right seat. Crew requirements for the MU-300, according to the AFM and TC data sheet is one pilot and one copilot.

ANSWER: Ref. § 61.43(a); The type rating practical test for a type rating in the MU-300 will be performed in the pilot in command crewmember station (left seat). The pilot in command flight crewmember station is the left seat.

Per the MU-300's type certification data sheet [Type Certificate Data Sheet No. A14SW], it states:

"Minimum Crew For all flights: 2 persons (pilot and co-pilot)"

Granted, you will not find any rule in Part 61 or policy in FAA Order 8700.1 or requirement in the MU-300's type certification data sheet that specifically prohibits an applicant from performing the practical test from the right seat; however, the requirements of § 61.43(a) require the examiner to properly evaluate the applicant to "... perform the required tasks on the practical test ..." [§ 61.43(a)] and

"(1) Perform the tasks specified in the areas of operation for the certificate or rating sought within the approved standards." [§ 61.43(a)(1)]

"(2) Demonstrate mastery of the aircraft with the successful outcome of each task performed never seriously in doubt." [§ 61.43(a)(2)]

"(3) Demonstrate satisfactory proficiency and competency within the approved standards. [§ 61.43(a)(3)]

Additionally, the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D, page 13, paragraph noted as "Satisfactory Performance" parallels those same provisions of § 61.43(a).

The only way an examiner can make that evaluation of an applicant for a type rating in a MU-300 is by observing the applicant's piloting skills performing the flying duties from the pilot in command crewmember station (left seat).

{ Q&A-566 }

Subject: The following question has been raised about pilot performance of basic maneuvers for demonstrating proficiency in an aircraft that requires two pilots.

QUESTION: When performing steep turns, slow flight, and stalls during practical test / proficiency checks in a two pilot aircraft, should the co-pilot be allowed to set the power, advise the pilot on deviations from assigned altitude, and advise the pilot when within 10/20/30 degrees from roll-out heading.

ANSWER: Ref. § 61.43(a); The answer is no, the co-pilot is not permitted to set the power, advise the pilot on deviations from assigned altitude, and advise the pilot when within 10° / 20° / 30° from roll-out heading during the conduct of a practical test/proficiency check.

During a practical test/proficiency check, all pilots being administered a practical test/proficiency check should be required to perform basic maneuvers unassisted as proof of competency to exercise the privileges of their certificate and/or rating. Although crew resource management is also a basic requirement, it is not intended to be used as a reason for not demonstrating mastery and performance of basic flight maneuvers.

Some believe that during a practical test/proficiency check in an aircraft certificated for a crew of two pilots, it is a co-pilot's function to assist the pilot in the performance of basic maneuvers as a part of crew resource management. Others believe that during a practical test/proficiency check, the pilot must demonstrate performance unassisted in the category and class of aircraft being checked.

§ 61.58 addresses pilot-in-command proficiency checks.

§ 61.58(d) states, in pertinent part, that a proficiency check can be accomplished by satisfactory completion of one of the following:

- “. . . maneuvers and procedures required for the type rating. . . .” [see § 61.58(d)(1)]
- “. . . practical test required for a type rating. . . .” [see § 61.58(d)(2)]
- “. . . initial or periodic practical test required for pilot examiner or check airman. . . .” [see § 61.58(d)(3)]
- “A military flight check. . . .” [see § 61.58(d)(4)]

[Ref. ATP and Aircraft Type Rating PTS, FAA-S-8081-5C (page 13)] The evaluation of pilot performance hinges on the Practical Test Standards which states that “Satisfactory Performance” requires the applicant to safely perform the required TASKS. . . based on:

- “performing the TASKS specified in the AREAS of OPERATION. . .
- “demonstrating mastery of the aircraft with the successful outcome of each TASK performed never seriously in doubt”
- “demonstrating sound judgment and crew resource management . . .”

At a minimum, the pilot being checked must perform and demonstrate mastery of the aircraft unassisted during the conduct of basic aircraft maneuvers such as slow flight, steep turns, and stalls. Pilot in command proficiency checks conducted under the provisions of Part 121, 125, or 135 satisfy proficiency requirements through the provisions of § 61.58(c).

Answered by: Ruth Grasel, National Program Manager – Training Centers, AFS-840
{Q&A-562}

QUESTION: I would like to have a clarification concerning the full feather shutdown of an engine during multiengine flight test. According to the Flight Instructor – AMEL PTS, Area of Operation XIV, Task B, the note indicates that if the aircraft is at an altitude lower than 3000 feet AGL then the feathering of the propeller may be simulated. The ATP PTS, and the Commercial Pilot – AMEL PTS (effective August 1, 2002) have essentially the same wording. The FSDO inspector here is saying that if the full feather shutdown can't be done at or above 3000 feet AGL the practical test can not be completed. The practical test must be rescheduled or, if already started, a Letter of Discontinuance must be issued since the required element of the practical test has not been (can not be) completed. Please advise the appropriate procedure to be followed in this event.

ANSWER: Ref. § 61.43(a)(1); Appropriate PTS under the paragraph “Aircraft and Equipment Required for the Practical Test” paragraph No. 2; FAA Order 8700.1, Chapter 1, page 1-13, paragraph 19; and FAA Order 8710.3C, Chapter 5, page 5-5, paragraph 17.B.; The FSDO inspector is correct. An engine shut down and feathering of the propeller must be demonstrated by the applicant on the practical test. As for all practical tests, the PTS (see the paragraph noted as “Aircraft and Equipment Required for the Practical Test” paragraph No. 2) and § 61.43(a)(1) requires that the applicant bring an aircraft that is “. . . capable of performing ALL appropriate TASKS for the . . . certificate or rating and have no operating limitations that prohibit the performance of those TASKS.” The examiner is required to test an applicant on maneuvering with one engine inoperative and that requires an engine shutdown and the feathering of the propeller. In all cases, the airplane manufacturer's recommended procedure should be followed. The Commercial Pilot PTS for MEL and MES ratings states for maneuvering with one engine inoperative, “. . . Selects an entry altitude that will allow the task to be completed no lower than 3,000 feet (920 meters) AGL or the manufacturer's recommended altitude, whichever is higher. . . .” The ATP PTS for Multiengine Airplane states, “. . . Feathering or shutdown should be performed only under conditions, and at such altitudes (no lower than 3,000 feet [900 meters] AGL) and in a position where a safe landing can be made on an established airport in the event difficulty in unfeathering the propeller or restarting the engine. . . .”

The areas of operation that requires an applicant to be tested on maneuvering with one engine inoperative are:

Private Pilot PTS – AMEL Area of Operation X – Task B. Maneuvering with One Engine Inoperative

Commercial Pilot PTS – AMEL Area of Operation VIII – Task B. Maneuvering with One Engine Inoperative
Airline Transport Pilot PTS – AMEL Area of Operation IV – Task C. Powerplant Failure-Multiengine Airplane
Flight Instructor PTS – AMEL Area of Operation XIV – Task B. Maneuvering with One Engine Inoperative

If the feathering of the propeller in a multiengine airplane cannot be safely performed because of limitations established by the airplane manufacturer in the Aircraft Flight Manual the applicant must bring a second multiengine airplane that can safely perform an engine shutdown and feathering of the propeller maneuver and procedure. If weather or traffic conditions limit the flight to altitudes below 3000 feet AGL the practical test must be rescheduled/continued later when conditions permit.

The language in the PTS to which you referenced in your question permits the examiner to simulate the feathering and engine shutdown below 3000' AGL to meet other practical test requirements such as power plant failure after takeoff, approach and landings with power plant failure, etc. In those situations (meaning below 3000 feet AGL), the proper procedure for simulating an engine failure require that the examiner simulate the engine shutdown "... by throttling the engine back to idle and then establishing zero thrust." But, that simulated engine shutdown procedure is only to be used when the aircraft is below 3000' AGL.

{Q&A-456}

QUESTION: I understand that an applicant for an initial issuance of the Commercial Pilot Certificate using an ASEL is required to be tested in a complex airplane during the practical test. This is true even if the person holds a Private Pilot Certificate with a AMEL rating and has the complex endorsement required by 61.31(e). The question is what area(s) of operations/tasks must the applicant be tested on in a complex airplane?

ANSWER: Ref. § 61.43(a) and the Commercial Pilot Practical Test Standards, FAA-S-8081-12B [August 2002]; Per the paragraph noted as "Aircraft and Equipment Required for the Practical Test" contained in the Commercial Pilot Practical Test Standards, FAA-S-8081-12B, page 7, is stated, in pertinent part, "4. be a complex airplane furnished by the applicant, unless the applicant currently holds a commercial pilot certificate with a single-engine or multiengine class rating as appropriate, for the performance of takeoffs, landings, and appropriate emergency procedures." Yes, you are correct, even if the private pilot has complex experience and endorsement.

The following areas of operations/tasks must be accomplished in a complex airplane during the Commercial Pilot – ASEL rating practical test:

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

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 B. Systems and Equipment Malfunction

At least 5 elements selected by the examiner.

{Q&A- 258} {Q&A-444}

QUESTION: I'm a MEI instructor and one of my students failed the instrument part of the commercial pilot certificate – airplane multiengine land practical test. After he received a commercial pilot certificate for VFR only, I trained him for the IFR portion of this certificate and I sent him back up for the re-test. We thought that he would only have to do the two approaches. But when it came the date of the ride, the DPE and the local FSDO came back on their decision. They said that the FAA didn't accept the certificate and he would have to take a full check ride (meaning the entire oral and practical flight test). I just read in a multiengine book that it was possible to get a Commercial Pilot Certificate - Airplane Multiengine Land (VFR ONLY). I need some clarifications about this certificate if you would.

ANSWER: Ref. § 61.43(a)(1), (c), (d), and (f); § 61.133(b)(1); and FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f);

An essential element of information is not included in your question. Did the applicant already hold an Instrument-Airplane rating as a private pilot?

Reference your comment “. . . I just read in a multi engine book that it was possible to get a commercial multi engine certificate VFR ONLY . . .” it appears the reference is to the provisions of § 61.133(b)(1). These permit a person who applies for a commercial pilot certificate with an airplane category who does not hold an instrument rating in the same category and class to be issued a commercial pilot certificate that contains the limitation, “The carriage of passengers for hire in (airplanes) (powered-lifts) on cross-country flights in the excess of 50 nautical miles or at night is prohibited.” Per this provision, if the applicant did not hold an Instrument-Airplane rating, he would not be required to be tested on Area of Operation IX - Multiengine Operations, Tasks A, B, and C of the Commercial Pilot Practical Test Standards for the Airplane Multiengine Land rating [i.e., § 61.133(b)(1) and FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f)]. If this is so, the applicant would have been eligible to be issued a Commercial Pilot Certificate with an Airplane Multiengine Land rating and with the limitation “The carriage of passengers for hire in airplanes on cross-country flights in the excess of 50 nautical miles or at night is prohibited.” [i.e., § 61.133(b)(1)]

If the applicant already holds an Instrument-Airplane rating, he would be required to be tested on Area of Operation IX - Multiengine Operations, Tasks A, B, and C of the Commercial Pilot Practical Test Standards for the Airplane Multiengine Land rating [i.e., § 61.43(d)]. When such an applicant fails the instrument performance requirements of the practical test, a Notice of Disapproval should have been issued. He should not have been issued a commercial pilot certificate with a “Multiengine Airplane VFR ONLY” limitation.

Based upon your statement I must assume your applicant did [emphasis DID] hold an Instrument Airplane rating. Then, provided the applicant received additional training and an additional endorsement from you to re-apply for the certificate [i.e. § 61.49(a)], and the re-test was accomplished within 60 days from the date of the initial practical test [i.e., § 61.43(f)(1)], he should have only been re-tested on those Areas of Operation that he failed and those Areas of Operation that he was not tested on during the initial practical test. Since you said your applicant received a temporary airman certificate for a Commercial Pilot Certificate with an Airplane Multiengine Land rating with a VFR only limitation, I am assuming he passed everything except for Area of Operation IX - Multiengine Operations, Tasks A, B, and C. If that is so, and your student appeared for the re-test within 60 days from the date of the initial practical test, then he should have only been re-tested on Area of Operation IX - Multiengine Operations and the failed Tasks (i.e., Tasks A, B, and C, as appropriate).

{Q&A-417}

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?

§ 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.”

§ 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 § 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 there is a difference between a Federal Regulation vs. a provision in a 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: 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: 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 discontinued 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: 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 be 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: 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: 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. § 61.43(f) is silent on the matter of retesting TASKS 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 FAA 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 operation. 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 FAA 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 operation.

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: 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. § 61.43(f) is silent on the matter of retesting TASKS 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 FAA 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. Nor does the rule prevent an examiner from re-examining 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 re-doing the entire test over again. That isn't fair either.

{Q&A-9 question #13} & {Q&A-30 question #7}

QUESTION: § 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: Ref. § 61.43(a)(5) and § 61.43(b); 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 § 61.43(a)(5) states:

(5) Demonstrate single-pilot competence if the aircraft is type certificated for single-pilot operations.

{Q&A-30}

QUESTION: The rule talks to a 60 day limit for the certification process. The discontinued practical test; is that adding an additional 60 days to the process or is it 60 days period?

ANSWER: Ref. § 61.43(f)(1); 60-day period after the date the practical test was discontinued.

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

ANSWER: Ref. § 61.43(f)(1); 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: 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: Ref. § 61.43(f)(1); 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: 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: Ref. § 61.43(b); 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. Personally, this appears to be one of those "*hypothetical kinds of question.*"

{Q&A-6}

QUESTION: The revised § 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 No.4050I 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 (August 4, 1997).

ANSWER: Ref. § 61.43(b); 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 Practical tests: Required aircraft & equipment

QUESTION: Is it acceptable for an applicant to bring an airplane for an Instrument-Airplane practical test with a GPS data base that is out of date? This airplane has operational navigational equipment to enable the applicant to execute a VOR, ILS, and LOC-BC approaches. And except for having an outdated GPS data base, the GPS is operational. The airplane does not have ADF capability.

ANSWER: Ref. § 61.45(b)(1)(i) and the Instrument Rating PTS, FAA-S-8081-4D, page 1-12; The aircraft's GPS data base must be current.

Per § 61.45(b)(1)(i), it requires "... an aircraft used for a practical test must have --- (i) The equipment for each area of operation required for the practical test." Per the NOTE on page 1-12 in the Instrument Rating PTS, it states if the aircraft is equipped with a GPS, then the examiner may ask the applicant to demonstrate the approach.

The NOTE on page 1-12 in the Instrument Rating PTS reads: "NOTE: Any reference to DME arcs, ADF, or GPS shall be disregarded if the aircraft is not equipped with the above specified navigational systems. If the aircraft is equipped with any of the above navigational systems, the examiner may ask the applicant to demonstrate those types of approaches. The examiner shall select two non-precision approaches utilizing different approach systems."
{Q&A 593}

Subject: GPS and Area of Operation VII on the Private/Commercial Pilot - Helicopter Practical Test and navigation training for private pilot certification/commercial pilot certification.

QUESTION: Recently, I furthered revised and clarified my answers in Q&A 170 that related to questions about whether a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation

VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer in Q&A 170 was a conditional *yes* that a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer of a conditional *yes* was predicated on whether the hand-held GPS receiver was capable for the applicant to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

I said so if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a conditional *yes* that a hand-held GPS receiver could be used.

Now, I'm being asked how an examiner would effectively evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives.

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; In answering that question, I consulted with Barry Lloyd, DPE in the Sacramento, CA FSDO. The following is just one method by which he uses to evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives outlined in Area of Operation VII of the Private Pilot / Commercial Pilot PTS:

Exhibits knowledge of the elements related to radio navigation [and ATC radar services.]

Generally, the applicant may be asked to demonstrate how he would use the GPS navigation receiver to navigate to a point of the examiner's choosing. As well as using the receiver's internal database, this would include entry of latitude and longitude coordinates to make a user way point location and how to navigate to that location.

Selects and identifies the appropriate facilities or coordinates, as appropriate.

This task is evaluated with GPS by asking the applicant to enter, from the GPS' internal database, an airport location identifier or VOR, and verify that it is a correct identifier. Also, an applicant may be asked to enter a charted intersection or prominent charted VFR reporting point from an aeronautical sectional. Or, the applicant may be asked to enter latitude/longitude coordinates of a given point he/she or the examiner has fetched from the aeronautical sectional chart and demonstrate how to set up the GPS to navigate to that point.

Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.

This task may be evaluated by asking the applicant to show where the helicopter's position is in relation to an airport or navaid. I would consider this task demonstrated satisfactorily if the applicant knows how to use the "nearest" button or function, and can identify his position by distance and desired course relative to that known location, be it airport, navaid or intersection. Most applicants demonstrate this by giving their position as a function of course and distance to either an entered location or a location chosen after pressing the "nearest" button.

Intercepts and tracks a given radial or bearing.

This task may be evaluated by asking the applicant to fetch from the database or enter coordinates of a known location and demonstrate how to fly a constant ground track to that location. For example: When south of a VOR/airport and asked to fly inbound to the station on the 180 degree radial/bearing from, or the 360 degree course to the station, the applicant should know how to enter the appropriate VOR/airport identifier, verify his position relative to that VOR/airport, and figure out some intercept angle to fly until his GPS CDI indicates he is inbound on the proper course to, or radial/bearing from, the station. All aviation hand-held GPS units are capable of this task.

Locates position using cross radials, coordinates, or bearings.

This task is satisfactorily demonstrated when the applicant can give the courses to, or bearings (back azimuths) from, two or more locations entered into the GPS and identify his/her location as a function of the crossing of those two courses to, or bearings from those stations.

Recognizes and describes the indication of station or way point passage.

This task may be easily evaluated by asking the applicant to perform a short GPS cross country of two or more legs with a significant course change at an enroute way point that is NOT a prominent terrain feature. That way the applicant must identify the GPS's indication of way point passage rather than a pilotage identification of the way point.

An ideal way to evaluate this is to assign a short A to B to C cross country with a significant course change at a point B, which would be a latitude/longitude, user-entered way point. This is a good way to evaluate an applicant's ability to use the GPS to circumnavigate restricted airspace that is not delineated by easily-defined terrain features.

Recognizes signal loss and takes appropriate action.

Since GPS is based on a 25-50 watt radiated signal 12,000 miles away, due to the inverse square law, the received signal at the receiver's antenna is mere micro-watts. It is not uncommon for a handheld GPS with a built-in antenna to drop a few satellites and go from 3D to 2D or drop signal lock completely for a few moments as the aircraft banks and changes position. All panel mount and modern hand-held GPS units have a warning that comes up in their display when that happens. Momentarily placing the metal part of a clipboard over the antenna causes a signal drop. In this instance an applicant is expected to recognize whether he has gone from 3D to 2D or lost GPS navigation capability altogether and augment his navigation with increased pilotage navigation.

Uses proper communication procedures when utilizing ATC radar services.

[Nothing specific to GPS]

Maintains the appropriate altitude, ± 200 feet (60 meters).

[Nothing specific to GPS]

Since the inception of civil GPS, I have done extensive flying in a variety of helicopters and on a variety of missions for the USFS, BLM, Calif. Departments of Forestry and Fish and Game and other civil and government agencies, using both panel-mounted GPS and hand-held GPS. I've used Garmin, Magellan, Trimble and other lesser-known hand-held GPS units and notwithstanding a hand-held's inability to couple the display to the

conventional aircraft CDI, all hand-held GPS receivers were equally capable of displaying as adequate navigation information as the panel-mounted units.
{Q&A-572}

Situation 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR).

QUESTION: Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan provided the aircraft remains in VMC. No place in § 61.65 or § 91.205(d) does it require that the helicopter be IFR certified. However, a VFR certified 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 the instruments and equipment requirements of § 91.205(d).

A person may not operate a VFR certified Robinson R-22 (meaning the aircraft not certified for IFR) in flight conditions that are less than VMC nor may a person 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 and remain in VMC.

Additionally, the FAA has established the following policy in FAA Order 8700.1 (page 8-2, paragraph 17) concerning instrument training in aircraft not certified for IFR operations:

“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.

[Intent of paragraph A: Although in this paragraph it states just “. . . airplane . . .” on the 3rd line that is asterisked, this policy also applies to helicopters and all other categories and classes and types of aircraft]*

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 certifying 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.”

{Q&A-170e}

QUESTION: Does a Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft's flight and navigation instruments do not need to be IFR certified to operate on an IFR flight plan.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{ Q&A-170e }

QUESTION: Can the aeronautical experience required by § 61.65(d) be performed in this VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 61.65(d) and FAA Order 8700.1 (page 8-2, paragraph 17). The answer is yes, the aeronautical experience required by § 61.65(d) may be performed in a VFR certified Robinson R-22.

{ Q&A-170e }

QUESTION: Can the instrument training required by Appendix C of Part 141 be performed in a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 141.39(e); FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the training required by Appendix C of Part 141 may be performed in a VFR certified Robinson R-22. Neither § 141.39(e), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the instrument training requirements of Appendix C of Part 141.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{ Q&A-170e }

QUESTION: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certified Robinson R-22 (e.g., non-IFR certified)?

ANSWER: Ref. § 61.45(b) and (d); and FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the practical test for the Instrument-Helicopter rating may be performed in a VFR certified Robinson R-22. Neither § 61.45(b) and (d), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the practical test for an Instrument-Helicopter rating.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{ Q&A-170e }

QUESTION: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training under § 61.65(c) (or Appendix C of Part 141) in this non-IFR certified Robinson R-22 during daytime conditions?

ANSWER: Ref. § 61.65(c) and § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).

{ Q&A-170e }

QUESTION: Can a portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b) and (d); § 91.205(d); The answer is a *conditional* yes. A portable VOR receiver may be used during instrument training and during the practical test for the Instrument-Helicopter rating provided the training / practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

But, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements of § 61.65(d)(2)(iv), then the rule § 91.171; § 91.411, and § 91.413 also apply to this question. Otherwise, for the aircraft to be operated under IFR flight plan / ATC clearance, the aircraft's -

- VOR has to have been inspected or operationally checked; [See § 91.171]
- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [See § 91.411] and
- ATC transponder has to have been tested and inspected. [See § 91.413]

The answer is yes, a portable VOR may be Velcro-taped to the instrument panel provided the training/practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance? Emphasis added: “. . . when conducting IFR operations under an IFR flight plan / ATC clearance . . .” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Aeronautical Information Manual, page 1-1-41, paragraph f.1. NOTE No. 4; and FAA Order 8700.1, page 222-7, paragraph 13.D; No, a hand-held GPS receiver may not be used during the instrument training or for the practical test for the Instrument-Helicopter rating. And again this answer applies to doing instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance.

Per the Aeronautical Information Manual, page 1-1-41, paragraph f.1., NOTE No. 4, it states:

“VFR and hand-held GPS systems are not authorized for IFR navigation, instrument approaches, or as a primary instrument flight reference. During IFR operations they may be considered only an aid to situational awareness.”

The intent of this NOTE No. 4 here in the Aeronautical Information Manual, page 1-1-41, paragraph f.1., applies to where the flight is conducted under an IFR flight plan / ATC clearance.

As for the practical use of these hand-held GPS receivers, it is not possible to use them for IFR navigation, GPS instrument approaches, or as a primary instrument flight reference. Hand-held GPS receivers do not provide appropriate monitoring systems to ensure signal integrity or data bases for instrument approach procedures. So a hand-held GPS receiver cannot be used for executing a GPS approach. [Ref. § 91.175(a)]. 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.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “ . . . 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. . . ”

Notice, this answer does not apply where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight meaning the flight is NOT being performed under an IFR flight plan / ATC clearance. Read the follow-on question and answer for that scenario.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight is simulated instrument flight where the examiner / flight instructor acts as ATC? Emphasis added: “ . . . *meaning the flight is NOT being performed under an IFR flight plan / ATC clearance* . . . ” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems; FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight. Meaning the flight is NOT being performed under an IFR flight plan / ATC clearance.

And another basis for the answer being a *conditional* yes is because the hand-held GPS receiver must be capable of allowing the applicant to perform Area of Operation V. Navigation Systems of the Instrument Rating PTS, FAA-S-8081-4C. As per the Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems, it requires the applicant to be able to:

- Exhibits adequate knowledge of the elements related to intercepting and tracking navigational systems and DME arcs.
- Tunes and correctly identifies the navigation facility.
- Sets and correctly orients the radial to be intercepted into the course selector or correctly identifies the radial on the RMI.
- Intercepts the specified radial at a predetermined angle, inbound or outbound from a navigational facility.
- Maintains the airspeed within 10 knots, altitude within 100 feet (30 meters), and selected headings within 5°.
- Applies proper correction to maintain a radial, allowing no more than three-quarter-scale deflection of the CDI or within 10° in case of an RMI.
- Determines the aircraft position relative to the navigational facility or from a waypoint in the case of GPS.
- Intercepts a DME arc and maintains that arc within 1 nautical mile.
- Recognizes navigational receiver or facility failure, and when required, reports the failure to ATC.

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

And per FAA Order 8700.1 [page 222-7, paragraph 13.D.] applies and it 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

Notice, this answer does not apply to instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance. Read the previous question and answer for that answer.

{ Q&A-170e }

QUESTION: Can a hand-held GPS receiver be used for navigation training for private pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the Private Pilot Certification practical test? Can a hand-held GPS receiver be Velcro taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used for navigation training for private pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the private pilot certification practical test. As per the Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation Task B. Radio Navigation and Radar Services on the Commercial Pilot Certification practical test? Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes, a hand-held GPS receiver may be used for navigation training for commercial pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the commercial pilot certification practical test. As per the Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 100 feet (30 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “ . . . 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. . . ”

{ Q&A-170e }

Situation 2: A person is undergoing training for an additional helicopter category and class rating at the commercial pilot certification level. The helicopter the person will be receiving training in is a non-IFR certified Robinson R-22.

QUESTION: 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 category and class rating at the commercial pilot certification level that is addressed in § 61.129(c)(3)(i)? Meaning the kind of instrument training where it does not require the filing of an IFR flight plan and flight is going to occur during daytime conditions.

ANSWER: Ref. § 61.129(c)(3)(i) and § 91.205(b); The instruments and equipment for the kind of instrument training required for § 61.129(c)(3)(i) during daytime conditions may be as minimal 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 and equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.

{ Q&A-170e }

QUESTION: Does the instrument training required by § 61.65(c) and (d) for the Instrument-Helicopter rating have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate? Does the instrument training required by § 61.129(c)(3)(i) for just the Helicopter rating at the commercial pilot certification level have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate?

ANSWER: Ref. § 61.195(c); Yes, the instrument training required by § 61.65(c) and (d) for the Instrument Helicopter rating has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

Yes, the instrument training required by § 61.129(c)(3)(i) for the helicopter rating at the commercial pilot certification level has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

{ Q&A-170e }

QUESTION: 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(c) and (d)?

ANSWER: Ref. § 61.129(c)(3)(i) and § 61.65(c) and (d); Yes, the training given to satisfy the instrument training aeronautical experience of § 61.129(c)(3)(i) may also be used to count toward the aeronautical experience of § 61.65(d).

{ Q&A-170e }

QUESTION: There is a military pilot who is applying for an ATP certificate for the Rotorcraft – Helicopter rating and intends to perform the practical test in a U.S. Air Force MH-60 Pave Hawk helicopter (a/k/a UH-60 Blackhawk, SH-60 Seahawk, etc.). There is no civilian type designation for the MH-60 Pave Hawk. The MH-60 Pave Hawk's gross takeoff weight exceeds 12,500 pounds. There is no type rating associated with the MH-60, because the helicopter does not have a civilian type designation. Is it permissible to conduct a practical test in a U.S. Air Force MH-60 Pave Hawk helicopter for the ATP certificate for the Rotorcraft – Helicopter rating?

ANSWER: Ref. § 61.45(a)(2)(iii); Yes, it is permissible to conduct a practical test for an ATP certificate for the Rotorcraft – Helicopter rating in “. . . (iii) A military aircraft of the same category, class, and type, if applicable, for which the applicant is applying for a certificate or rating.” [see § 61.45(a)(2)(iii)] The type rating is not applicable because there is no type rating for the MH-60.

In discussing this matter with Carol S. Rayburn, Manager, Flight Standards Inspector Resource Program, ASW-203, she stated that if an FAA ASI administers the practical test in this U.S. Air Force MH-60, that FAA ASI would be required to hold a letter of authorization for that U.S. Air Force MH-60 helicopter [see FAA Handbook Bulletin for General Aviation (HBGA), HBGA 93-01, paragraph 2. E.]. Additionally, the FAA ASI would be required to have complied with the appropriate qualification and training requirements as set forth in FAA HBGA 93-01, paragraphs 2. B. and C. Similarly, if a designated pilot examiner (DPE) administers the practical test in this MH-60, that DPE is required to hold a letter of authorization for the U.S. Air Force MH-60 helicopter [see FAA Order 8700.1, Vol. 2, Chapter 15, page 15-8, paragraph 15.C.(2) or FAA Order 8710.3C, Chapter 2, page 2-7, paragraph 15.C.(2)].

The military requires its pilots have written permission (in the form of a letter of permission) from the commanding officer in order to be allowed to use a military aircraft for a FAA practical test. Furthermore, the military requires that the letter must specifically identify the pilot and the name of the FAA ASI (or examiner) that will be administering the test. So before an FAA ASI (or examiner) gets on board a military aircraft, he/she should make sure the applicant has that letter and the letter specifically identifies the name of applicant and the name of the FAA ASI (or examiner) and is signed by the applicant's Commanding Officer. Now, the military may (and most likely will) prohibit the FAA ASI (or examiner) from occupying a pilot station seat. The military's rules require that pilot station seats be occupied by military pilots only, so the FAA ASI (or examiner) may have to administer the practical test from a non-crewmember station seat. However, some of our FAA ASIs (or examiners) are military reservists, who are actively flying in the Reserves or National Guard, so they may be acceptable to the applicant's Commanding Officer. But then, the military commander may only allow pilots from that unit to occupy pilot station seats in that unit's aircraft.

{ Q&A-499 }

QUESTION: May an examiner or an FAA ASI administer a practical test in an aircraft that only holds an experimental airworthiness certificate? May an examiner or an FAA ASI administer a practical test in an aircraft that only holds a restricted airworthiness certificate? May an examiner or an FAA ASI administer a practical test in an aircraft that does not hold an airworthiness certificate (e.g., public use aircraft, like a former military aircraft that a police department obtained from the United States Federal Government)?

ANSWER: Ref. § 61.45(a); § 91.319(a)(1); and HBGA 97-06, “Aircraft Airworthiness Status Required For Airman Certification Practical Tests”, dated June 11, 1997; Per § 61.45(a)(2), “. . . At the discretion of the examiner who administers the practical test, the applicant may furnish--(i) An aircraft that has a current airworthiness certificate other than standard, limited, or primary, but that otherwise meets the requirement of paragraph (a)(1) of this section . . .”

The answer is yes, an examiner/FAA ASI may (emphasis added MAY) administer a practical test in an aircraft that holds an experimental airworthiness certificate. However, before an examiner/FAA ASI agrees to administer a practical test in an aircraft that holds an experimental airworthiness certificate, the examiner/FAA ASI must review the aircraft's operating limitations to insure the aircraft's experimental airworthiness certificate permits the aircraft to be used for a practical test [see § 91.319(a)(1)]. And per § 61.45(a)(1), the examiner/FAA ASI must ensure the experimental aircraft “. . . Is of the category, class, and type, if applicable, for which the applicant is applying for a certificate or rating . . .”

The answer is yes, an examiner/FAA ASI may (emphasis added MAY) administer a practical test in an aircraft that holds a restricted airworthiness certificate. Per § 91.313(b), the intent [i.e., “. . . operating a restricted category civil aircraft to provide flight crewmember training in a special purpose operation for which the aircraft is certificated is considered to be an operation for that special purpose. . .”] would cover an examiner/FAA ASI to be authorized to administer a practical test in an aircraft that holds a restricted airworthiness certificate. However, before an examiner/FAA ASI agrees to administer a practical test in an aircraft that holds a restricted airworthiness certificate, the examiner/FAA ASI must insure the aircraft “. . . Is of the category, class, and type, if applicable, for which the applicant is applying for a certificate or rating . . .” [per § 61.45(a)(1)].

As for your question whether an examiner or an FAA ASI may administer a practical test in an aircraft that does not hold an airworthiness certificate, the answer is no [See § 61.45(a)]. The aircraft must hold an airworthiness certificate [See § 61.45(a)].

However, it is permissible for a practical test to be conducted in a military aircraft of a U.S. military service [See § 61.45(a)(2)(iii)]. Provided, the aircraft “. . . Is of the category, class, and type, if applicable, for which the applicant is applying for a certificate or rating . . .” [per § 61.45(a)(1)].

Now this is what the FAA has stated in HBGA 97-06, “Aircraft Airworthiness Status Required For Airman Certification Practical Tests”:

2. BACKGROUND. Historically, applicants for an airman certificate or a rating to be added to that certificate have been required to furnish, for each flight test that he/she is required to take, an aircraft that has been determined to be in an airworthy condition. Title 14 of the Code of Federal Regulations (14 CFR) part 21, subpart H, prescribes appropriate requirements for the issuance of airworthiness certificates for aircraft of United States (US) registry found to be airworthy, and 14 CFR Part 61, § 61.45(a)(2)(i) and (ii), provide regulatory guidance concerning the acceptable airworthiness status for aircraft of U.S. registry and foreign registry. However, some clarification may be necessary regarding the use of military and former military aircraft for certification practical tests under § 61.45(a)(2)(iii). In a recent change to Part 61, § 61.45(a)(2)(iii) states, “At the discretion of the person authorized by the Administrator to conduct the test, the applicant may furnish a military aircraft of the category and class aircraft, and type aircraft, if applicable, for which the applicant is applying for a certificate or rating.” AFS-800 has recently been made aware that there may be some misunderstanding regarding the meaning of “military aircraft” as described in § 61.45(a)(2)(iii). Therefore, the following policy is intended to clarify the airworthiness status necessary for these military aircraft.

3. POLICY. Flight Standards aviation safety inspectors should understand that for utilization in conducting airman certification practical tests (by either inspectors or examiners), an acceptable military aircraft is one that is in an operational status and under the direct control of the military, i.e., regular, reserve, or the national guard. An airworthy former military aircraft is one that has been issued either a standard, limited, or other type of airworthiness certificate by FAA; is maintained in accordance with 14 CFR parts 21, 43, and 91; continues to meet its original type design or approved altered condition and is in condition for safe flight. Therefore, former military aircraft which are unable to comply with the above requirements may not be utilized to administer airman certification practical tests since they are no longer in an operational status and under operational control of the military services (regular, reserve, or guard). It should also be noted that former military aircraft that are used in public aircraft operations and do not hold an airworthiness certificate may not be used for airman certification practical tests.

{Q&A-487}

QUESTION: I am forwarding this question to you for clarification, in that it appears it is going to be a question that is going to be asked again and again due to the coverage it was given in “Kitplanes” magazine. We have been discussing an article in “KITPLANES” magazine, where we read of a person receiving a multi-engine rating from a FAA designated examiner in an ultralight style aircraft.

We do not believe this aircraft can be used to satisfy all the conditions established in the Practical Test Standards for the multi-engine rating, as it does not have feathering propellers, a true critical engine, Vmc, (flaps?), but is in reality an ultralight-style aircraft certificated in the experimental airworthiness category.

We have received some inquiries from the public regarding the suitability of this aircraft and other similar aircraft for multi-engine instruction and ratings. If the agency finds this aircraft suitable for multi-engine instruction and ratings, then we should expect similar aircraft to be utilized in the same way.

ANSWER: Ref. § 61.45(b)(1)(i); § 21.191; § 61.43(d); § 61.45(a)(1); and FAA Order 8700.1, Volume 2, chapter 1, page 1-12, paragraph 15 and page 1-24, paragraph E and page 27-2, paragraph 3.I. There is no way I can answer this question that covers all kitbuilt aircraft that are certificated in the experimental airworthiness category and as you stated are “. . . in reality an ultralight-style aircraft certificated in the experimental airworthiness category.”

In order for me to answer your question, it requires that each aircraft holding an experimental airworthiness certificate be evaluated on a “case-by-case” basis. The FAA would need to review the aircraft's experimental airworthiness certificate and operating limitations in order to approve one of these kitbuilt aircraft to be used for a pilot certification/rating practical test. The FAA office that is responsible for approving aircraft for use for a pilot certification/rating practical test is the Flight Standards Service, General Aviation and Commercial Division, Certification Branch – AFS-840, 800 Independence Avenue SW, Washington, DC at 202 267-8196. Some aircraft that hold an experimental airworthiness certificate may be able to be used for an FAA pilot certification/rating practical test if it has been determined by the FAA that the applicant and aircraft are capable of performing ALL the required areas of operation and tasks set forth in the appropriate Practical Test Standards (PTS) for the certificate and rating sought.

When the FAA makes a determination to permit the use of an experimental aircraft to be used for a pilot certification/rating practical test, the first determining factor is the aircraft's experimental airworthiness certificate and operating limitations. The FAA reviews the aircraft's experimental airworthiness certificate and operating limitations to determine whether the aircraft is permitted to be used for a pilot certification/rating practical test. The FAA must determine what is the stated purpose for the issuance of the aircraft's experimental airworthiness certificate (i.e., otherwise the experimental airworthiness certificate issuance provisions stated in § 21.191).

The second factor in determining whether an aircraft, that holds an experimental airworthiness certificate, may be used for a pilot certification/rating practical test is whether the aircraft is of the same aircraft category, class, and type, if applicable, for which the applicant is applying for a certificate or rating for (i.e. § 61.45(a)(1)(i)). If the aircraft is determined not to be of the same aircraft category, class, and type, if type is applicable, for which the applicant is applying for, then that aircraft may not be used for the practical test.

The third factor in determining whether an aircraft, that holds an experimental airworthiness certificate, may be used for a pilot certification/rating practical test is whether that aircraft and its equipment are able to comply with § 61.45(b)(1)(i) [i.e., “. . . an aircraft used for a practical test must have -- The equipment for each area of operation required for the practical test”]. Otherwise, the aircraft and its equipment must be capable of performing ALL of the required areas of operation and tasks set forth in the appropriate Practical Test Standards (PTS) for the certificate and rating sought. If the aircraft is not equipped to comply with § 61.45(b)(1)(i) or with the areas of operation and tasks of the appropriate PTS then the aircraft may be not used for the practical test.

However, in accordance with § 61.45(b)(2), the FAA has established a very, very limited in scope exception provision “on a “case-by-case” basis to allow the use of “. . . an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test . . .” But the policy on the intent of § 61.45(b)(2) has been specifically identified in FAA Order 8700.1, Volume 2, page 1-24, paragraph E and page 27-2, paragraph 3.I to address certain aircraft (i.e., the Ercoupe 415 series without rudder pedals, Cessna 336/337 that does not have a Vmc speed, and other aircraft that are equipped for pilots with medical disabilities). Other than those specifically identified aircraft and conditions, that is all that § 61.45(b)(2) is intended to address. Any other aircraft, the FAA's Flight Standards Service, General Aviation and Commercial Division, Certification Branch – AFS-840, 800 Independence Avenue SW, Washington, DC at 202 267-8196 will determine

it on a "case-by-case" basis whether the aircraft is able to comply with § 61.45(b)(1)(i) [i.e., "... an aircraft used for a practical test must have -- The equipment for each area of operation required for the practical test"].

Now I've just recently read an article in the Golden Wings Aviation magazine ("The Light Stuff – Getting a multi-engine rating in an Air Cam") about the use of a kitbuilt aircraft known as the Leza Air Cam aircraft for an Airplane Multiengine Land rating.

Whether the Leza Air Cam aircraft may be used for the Airplane Multiengine Land rating at the private pilot certification level or at the commercial pilot certification level or for any pilot certification/rating practical test is dependent on whether the aircraft is adequately equipped to allow the applicant to comply with § 61.45(b)(1)(i) and the appropriate PTS for the Airplane Multiengine Land rating. For example, at the private pilot certification level, in order for the Leza Air Cam aircraft to be used on the practical test it has to be determined that the Leza Air Cam aircraft is capable of performing ALL the required areas of operation and tasks set forth in the Private Pilot PTS for the Airplane Multiengine Land, FAA-S-8081-14.

Just from the information I know and have read about the Leza Air Cam, it is questionable whether an applicant would be able to perform X. Area of Operation: Emergency Operations - Tasks B, C, D, E, and F and XI. Area of Operation: Multiengine Operations of the Private Pilot PTS for the Airplane Multiengine Land, FAA-S-8081-14 in the Leza Air Cam. Again, if the Leza Air Cam aircraft is not capable of performing ALL the required areas of operation and tasks then the aircraft may not be used for an Airplane Multiengine Land rating practical test.

However, as an alternative, the applicant may be able to utilize the Leza Air Cam aircraft for the Airplane Multiengine Land rating practical test for some areas of operation and tasks that it is capable of performing. And then the applicant would be required to bring a second multiengine airplane that is capable of performing the remaining areas of operation and tasks. But before this can occur, the FAA's Flight Standards Service, General Aviation and Commercial Division, Certification Branch – AFS-840 will need to make a determination on the Leza Air Cam. To date, there has been no determination made by this office on the Leza Air Cam. And until this determination occurs, the Leza Air Cam is not permitted to be used on a practical test.

Additionally, in that article [i.e., the Golden Wings Aviation magazine ("The Light Stuff – Getting a multi-engine rating in an AirCam")], there were several mistakes noted about permissible use of an aircraft under Exemption No. 7162 for owners of aircraft with an experimental airworthiness certificate that are members of Experimental Aircraft Association (EAA), Small Aircraft Manufacturers Association (SAMA), and National Association of Flight Instructors (NAFI). No where in that grant of exemption (i.e., grant of exemption No. 7162) did the FAA state that aircraft holding an experimental airworthiness certificate were given "*carte blanche*" for use on a pilot certification and rating practical. And no where in that grant of exemption did the FAA state that the Leza Air Cam aircraft could be used for an Airplane Multiengine Land practical test. The FAA only stated in the grant of exemption that EAA, SAMA, and NAFI members who own certain amateur- and kit-built aircraft certificated in the experimental airworthiness category were granted an exemption from § 91.319(a)(1) and (2) for the purpose of receiving compensation when conducting aircraft-specific flight training and flight reviews under 14 CFR § 61.56.

Exemption No. 7162 permits EAA, SAMA, and NAFI members who own certain amateur- and kit-built aircraft certificated in the experimental airworthiness category to be reimbursed for the use of their aircraft when their aircraft are used to provide aircraft-specific flight training. The flight instruction must be given by qualified instructors and the aircraft used must have completed phase I flight testing, been found in safe condition for flight, and met the requirements of § 91.319(b). But no where in that grant of exemption did the FAA state that the Leza Air Cam aircraft could be used for an Airplane Multiengine Land practical test.

And from what I've read about the Leza Air Cam aircraft is that it has no propeller feathering capability or procedures for the feathering the propellers, no prescribed operating procedures for maintaining directional control with an engine failure (because the engines and propellers are so close together that failure of one engine or the other engine has no measurable effect on directional control), no real Vmc speed (because the speed is actually the stall speed), no distinguishable performance characteristics of an aircraft with a Vmc speed, etc. Therefore, the Leza Air Cam aircraft may not be used for an Airplane Multiengine Land rating at either the private pilot certification level or at the commercial pilot certification level. Exemption No. 7162 only permits EAA, SAMA,

and NAFI members who own certain amateur- and kit-built aircraft certificated in the experimental airworthiness category to be reimbursed for the use of their aircraft when their aircraft are used to conduct aircraft-specific flight training and flight reviews under 14 CFR § 61.56.

But no where did the FAA state in that grant of exemption could an aircraft that holds an experimental airworthiness certificate be used for a pilot certification/rating practical test. The FAA Flight Standards Service, General Aviation and Commercial Division, Certification Branch – AFS-840, 800 Independence Avenue SW, Washington, DC at 202 267-8196 is the responsible office for approving whether an aircraft, that holds an experimental airworthiness certificate, may be used for a pilot certification/rating practical test.

{Q&A-451}

QUESTION: Got a call from an instructor who is giving multiengine instruction to a guy who holds a Commercial certificate with SEL/SES ratings and also has an LOA in a Jet Provost. He's giving him the MEL instruction in a Partenavia that has fixed landing gear.

If he shows in his logbook that he has the required 10 hours of training in a retractable gear airplane, does he need to bring a retractable gear airplane with him for the MEL add-on checkride?

ANSWER: Ref. § 61.45(b)(1)(i) and the Commercial Pilot - Airplane Multiengine Land PTS, FAA-S-8081-12B, page 6; The applicant must bring a multiengine airplane that has a retractable landing gear for the Commercial Pilot – AMEL add on practical test. The Partenavia that has a fixed landing gear will not qualify.

According to the Commercial Pilot - Airplane Multiengine Land PTS, FAA-S-8081-12A, page 6:

“3. must be a complex airplane furnished by the applicant for the performance of takeoffs, landings, and appropriate emergency procedures. A complex landplane is one having retractable landing gear, flaps, and controllable propeller. A complex seaplane is one having flaps and controllable propeller.”

And according to § 61.45(b)(1)(i), the rule requires that the aircraft used for the practical test must have “The equipment for each area of operation required for the practical test.”

For your information, the next revision to the Commercial Pilot - Airplane Multiengine Land PTS, FAA-S-8081-12A may permit an applicant for an additional airplane multiengine land class rating at the commercial pilot certification level to be excused from having to demonstrate complex airplane proficiency in an airplane multiengine land on the practical test. But, the PTS has not been changed, so for now, the applicant must still bring a multiengine airplane that has a retractable landing gear for the Commercial Pilot – AMEL add on class rating practical test.

{Q&A-448}

QUESTION: A person holds a Private Pilot Certificate with a AMEL rating. The applicant is applying for a Commercial Pilot Certificate for the ASEL rating. Is he required to be tested in a complex airplane even when the person already hold an AMEL rating at the private pilot certificate level?

ANSWER: Ref. § 61.45(a)(1)(i) and the Commercial Pilot Practical Test Standards, FAA-S-8081-12B (August 2002), page 7; Yes. Since the applicant is seeking an original issuance of a Commercial Pilot Certificate – ASEL rating, the applicant is required to be tested in a complex airplane. Per item #4 of the aircraft requirement in the Commercial Pilot Practical Test Standards, FAA-S-8081-12B, page 7:

Aircraft and Equipment Required for the Practical Test

* * * * *

“4. be a complex airplane furnished by the applicant, unless the applicant currently holds a commercial pilot certificate ...”

The applicant in the question only holds a private pilot certificate. A complex airplane is required.

{Q&A-444}

QUESTION: The question continues to surface among the flight instructors as to what is acceptable "vision restriction". Some instructors are saying that no vision restriction is required if the instructor or examiner determines that no vision restriction is necessary even though the training is accomplished as "simulated instrument conditions". The other condition is the use of a "ball cap" or "the agreement by the student that he will not look outside", with the obvious question being, is either of these methods considered to be suitable "restriction to outside references"? I was told today that Flight Safety does not use any vision restriction device in Jets even though simulated instrument conditions are required by the PTS.

ANSWER: Ref: §§ 61.45(d)(2) and 61.51(g); FAA Order 8700.1, vol. 2, page 1-12; FAA Order 8400.10, vol. III, page 3-270 and vol. V, page, 5-88; The only specific rule reference to what constitutes what is acceptable "vision restriction" is addressed in § 61.45(d)(2) [i.e., "(2) A device that prevents the applicant from having visual reference outside the aircraft, but does not prevent the examiner from having visual reference outside the aircraft, and is otherwise acceptable to the Administrator.]. Emphasis added "... A device that prevents the applicant from having visual reference outside the aircraft." And per FAA Order 8700.1, vol. 2, page 1-12, paragraph 15.B. it states "During the practical test for an instrument rating or other ratings requiring a demonstration of instrument proficiency, the applicant must provide equipment, satisfactory to the inspector, which prevents flight by visual reference."

Now in reference to your question/statement "... does not use any vision restriction device ...". Per § 61.51(g)(1), it states "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." So, in order to log instrument flight time the pilot must be utilizing a view-limiting device. Except for when a pilot is operating an aircraft solely by reference to instruments in instrument meteorological conditions (IMC), how else could a pilot comply with § 61.51(g)(1) for logging instrument flight time [i.e., "... when the person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions."]. unless the pilot was utilizing a view limiting device! So the answer is, in order to log instrument flight time for simulated instrument flight a person must be utilizing a view-limiting device. A promise by the applicant to not look outside the aircraft is not acceptable. And neither is the use of an ordinary ball cap, unless there is view limiting attachments to the bill of the cap that prevents the applicant from having visual reference outside the aircraft.

However, as per § 61.51(g)(2), an authorized instructor may log instrument time when conducting instrument flight instruction in actual instrument flight conditions.

Per FAA Order 8400.10, vol. III, page 3-270 and vol. V, page, 5-88 address the policy requirement for use of a view limiting device when training and evaluating a pilot to control an aircraft on instruments and to navigate without reference to outside cues under 14 CFR parts 121 and 135. And under FAA Order 8400.10, the policy requires the use of a view limiting device when performing "... training and evaluating a pilot to control an aircraft on instruments and to navigate without reference to outside cues."

{Q&A-420}

QUESTION: An applicant is seeking an ATP pilot certificate for an airplane multiengine land rating in a Cessna 337. The applicant holds a Commercial Pilot Certificate with an Airplane Single-engine Land, Airplane Multiengine Land, and Instrument Airplane rating. Otherwise, the applicant does not have any "Limited to Center Thrust" limitation on his Airplane Multiengine Land rating at the Commercial Pilot Certificate level. Is it appropriate to allow the applicant for an ATP pilot certificate for an airplane multiengine land rating to take the practical test in a Cessna 337? Will the applicant's ATP certificate be issued with the "Limited to Center Thrust" limitation on the Airplane Multiengine Land rating?

ANSWER: Ref. § 61.45(b)(2); Yes, an applicant may chose to take a practical test for an ATP certificate for an Airplane Multiengine Land rating in a Cessna 337. That airplane has operating characteristics that preclude the applicant from performing all of the tasks required for the practical test. In the ATP PTS, reference to Vmc speed is made in III. Area of Operation Takeoff and Departure Phrase -- D. Task: Rejected Takeoff in Objective 7. And

III. Area of Operation Takeoff and Departure Phrase -- C. Task: Powerplant Failure During Takeoff and VI. Area of Operation: Landing and Approaches to Landings -- C. Task: Approach and Landing with (Simulated) Powerplant Failure-Multiengine Airplane are indicative of procedures that are for a conventional multiengine airplane with a manufacturer's Vmc speed.

Yes, the applicant will receive the limitation "Limited to Center Thrust" on his ATP pilot certificate. § 61.45(b)(2) allows for the use of an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test, but it requires that the applicant's pilot certificates to "... be issued with an appropriate limitation." Therefore, the applicant's pilot certificate will be issued with the limitation "Limited to Center Thrust" on his Airplane Multiengine Land rating at the ATP certificate level. The newly issued Airline Transport Pilot Certificate will read as follows:

Airline Transport Pilot
Airplane Multiengine Land - "Limited to Center Thrust"
Commercial Pilot Privileges
Airplane Single-engine Land

When the applicant accomplishes the removal of the limitation "Limited to Center Thrust" at the ATP certificate level, as set forth on page 10 of the ATP PTS [i.e., FAA-S-8081-5D, or additional policy is set forth in HBGA 99-07A, (Amended)], then the limitation will be removed.
{Q&A-418}

QUESTION: I am seeking concurrence that I can use an Aeronca 11AC airplane, or equivalent, which has only basic flight instruments (airspeed indicator and altimeter), to take the Private Pilot Practical Test. This aircraft is incapable of performing flight solely by reference to instruments (i.e., Area of Operation IX, Tasks A, B, C, D, and E of the Private Pilot Practical Test Standards, FAA-S-8081-14). A handheld radio permits performing Task F of Area of Operation IX.

§ 61.45(b)(2) states that "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."

It is my judgment that § 61.45(b)(2) allows the use of an airplane with only basic flight instruments for the Private Pilot Practical Test subject to an appropriate limitation, such as "VFR only." As VFR flight does not entail flight solely by reference to instruments, this limitation seems safe, reasonable, and appropriate.

In the FARs there is no relief from the instrument training requirement of § 61.109, to be completed prior to taking the Practical Test. Therefore, any Private Pilot applicant that, pursuant to § 61.45(b)(2), wishes to take the Private Pilot Practical Test in an "antique" or "classic" aircraft, which has only basic flight instruments, must have the same instrument training as every other Private Pilot applicant, and so in no way jeopardizes safety or fairness.

ANSWER: Ref. § 61.43(d) and § 61.45(b)(1)(i) and Private Pilot Practical Test Standards, page iv, paragraph noted as Aircraft and Equipment Required for the Practical Test; No, you may not accomplish the entire private pilot practical test for the airplane single-engine land rating in your Aeronca 11-AC. However, you may utilize your Aeronca 11-AC for those tasks in the Private Pilot Practical Test Standards that your Aeronca 11-AC is equipped for and capable of performing. If you still want to use your Aeronca 11-AC, this will require you to bring two airplanes for use during the practical test.

Your Aeronca 11-AC makes it incapable for you to be tested on Area of Operation IX of the Private Pilot Practical Test Standards, FAA-S-8081-14 (i.e., flight solely by reference to instruments). Your Aeronca 11-AC has no electrical system, so it makes it incapable for you to be tested on Area of Operation III Airport Operations; Area of Operation VII, and certain emergency tasks in Area of Operation X. You will need to bring a single-engine airplane to the practical test that is equipped to allow the examiner to test you on those Areas of Operation.

Per the Private Pilot Practical Test Standards, page iv, paragraph noted as Aircraft and Equipment Required for the Practical Test, it states "The aircraft must be equipped for, and its operating limitations must not prohibit, the performance of all TASKS required on the test." And per § 61.43(d), it states: "An applicant is not eligible for a certificate or rating sought until all the areas of operation are passed."

As per § 61.103(f), (g), and (h), an applicant for a private pilot certificate is required to receive flight training and a logbook endorsement from an authorized instructor who "... Conducted the training in the areas of operation listed in § 61.107(b) of this part that apply to the aircraft rating sought. ... " "... Meet the aeronautical experience requirements of this part that apply to the aircraft rating sought before applying for the practical test ... " and "... Pass a practical test on the areas of operation listed in § 61.107(b) of this part that apply to the aircraft rating sought." You could not do this in your Aeronca 11-AC. Nor in your Aeronca 11-AC could you accomplish night flight training/aeronautical experience and flight training on the control and maneuvering of an airplane solely by reference to instruments.

As for your referencing § 61.45(b)(2) [i.e., "... may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test ... "], the FAA has established specific policy in FAA Order 8700.1, Volume 2, page 1-24, paragraph E and page 27-2, paragraph 3.I to address certain aircraft (i.e., the Ercoupe 415 series without rudder pedals, Cessna 336/337 that does not have a Vmc speed, and other aircraft that are equipped for pilots with medical disabilities). However, the FAA has not established policy on the Aeronca 11-AC. I doubt if the FAA will ever establish policy to allow the use of Aeronca 11-AC, because your aircraft lacks the basic equipment for it to be allowed to be utilized solely for a private pilot practical test.
{Q&A-415}

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, § 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

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, § 91.109.

2. BACKGROUND.

A. Neither previous nor current 14 CFR § 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 § 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 § 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 § 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 § 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 § 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 § 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-8081-12B [August 2002]; The applicant may take the training and the practical test in a non-complex single-engine airplane.

Required per the paragraph "Aircraft and Equipment Required for the Practical Test" contained in the Commercial PTS, page 7, in pertinent part:

"4. be a complex airplane furnished by the applicant, unless the applicant currently holds a commercial pilot certificate with a single-engine or multiengine class rating as appropriate, ..."

Demonstration in complex airplane is required only once for the initial issuance of the commercial airplane certificate and is not necessary for class 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 per Area of Operation X, Tasks C and D of the Commercial Pilot Practical Test Standards, FAA-S-8081-12B [August 2002].

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). The exception permitted under § 61.45(b)(2) for "... an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test." is not applicable in this situation. This airplane is not a vintage or antique aircraft that is incapable of instrument flight by type certificate or because of outdated instruments or nav aids no longer in production and incompatible for instrument flight as was the case for the scenario with the old Cessna 310 in Q&A #220. Therefore, the applicant is not allowed to get out of performing the required instrument tasks on this 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 Part 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}

This correction is a result of the change to the Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A, Additional Rating Task Table – Airplane Multiengine Land, page 2-v. Per the Additional Rating Task Table – Airplane Multiengine Land in the Private Pilot PTS – Airplane, it now requires the applicant for an additional Airplane Multiengine Land rating at the private pilot certification level to complete Area of Operation XI. Multiengine Operations.

QUESTION: The situation is I have an applicant who holds a Private Pilot Certificate with an Airplane Single Engine Land rating with an Instrument – Airplane rating. 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 then the pilot certificate will be issued with the limitation, “The carriage of passengers for hire in (airplanes) (powered-lifts) on cross-country flights in the excess of 50 nautical miles or at night is prohibited?” At the time of application, this applicant’s pilot certificate reads as follows:

PRIVATE PILOT
AIRPLANE SINGLE ENGINE LAND
INSTRUMENT AIRPLANE

ANSWER: Ref. § 61.45(b)(1)(i); No, an applicant may not be allowed to use an aircraft that is incapable of performing the instrument areas of operations of the practical test because the aircraft is not equipped with the proper instruments.

Per § 61.45(b)(1), it states, in pertinent part, “. . . an aircraft used for a practical test must have--(i) The equipment for each area of operation required for the practical test;

As for the phrase in § 61.45(b)(1) where it states “. . . (1) Except as provided in paragraph (b)(2) of this section, . . .” the intent of that phrase in reference to § 61.45(b)(2) applies to an applicant to permit “. . . use of an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test . . .” [Emphasis added “. . . operating characteristics . . .”] This exception provision in § 61.45(b)(2) isn’t intended to apply to an aircraft’s instrument and equipment and in fact § 61.45(b)(2) makes a clear distinction in that it clearly states “. . . may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks . . .”

An example of “. . . operating characteristics . . .” is in the case of the:

- Ercoupe 415B without rudder pedals.
- Cessna 336/337 that does not have a Vmc speed.
- Airbus A300, A320, A330, A340 and the Boeing B777 that have operating characteristics due to their design that make the aircraft incapable of performing steep turns.

[See FAA Order 8700.1, Volume 2, page 1-24, paragraph E and page 27-2, paragraph 3.I]

Therefore, the “. . . aircraft used for a practical test must have--(i) The equipment for each area of operation required for the practical test . . .” [See § 61.45(b)(1)(i)]

For clarification concerning the question “. . . Can the applicant be allowed to take the practical test and then the pilot certificate will be issued with the limitation, “The carriage of passengers for hire in (airplanes) (powered-lifts) on cross-country flights in the excess of 50 nautical miles or at night is prohibited? . . .” Ref. § 61.133(b)(1) and § 61.133(b)(1) and FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3); Since the applicant already holds an Instrument-Airplane rating, there is no need to add the limitation “*NOT VALID FOR CARRIAGE OF PERSONS FOR HIRE IN AIRPLANES ON CROSS-COUNTRY FLIGHTS OF MORE THAN 50 NAUTICAL MILES OR AT NIGHT.*”

QUESTION: 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 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 the excess of 50 nautical miles or at night is prohibited?”

ANSWER: Ref. §§ 61.43(d) and 61.45(b)(1)(i) and (ii); 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 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.”

QUESTION: The situation is I have an applicant who holds a Private Pilot Certificate with an Airplane Single and Multiengine Land ratings 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: Ref. 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: I have a situation where an applicant is seeking an additional Airplane Multiengine Land class rating at the Private Pilot Certification level. The applicant currently holds a Private Pilot Certificate with an Airplane Single Engine Land rating and an Instrument-Airplane rating (meaning the applicant accomplished his Instrument – Airplane rating in a single engine airplane). The applicant does not want instrument privileges for the Airplane Multiengine Land rating and does not want to demonstrate the required instrument tasks. The multiengine airplane the applicant is taking the practical test in is instrument capable. But the applicant does not want instrument privileges and is agreeable to receive the “VFR Only” limitation on his Airplane Multiengine Land rating. Can this applicant accomplish the additional Airplane Multiengine Land rating at the Private Pilot Certification level without being required to accomplish Area of Operation XI. Multiengine Operations Tasks C and D and receive the “VFR Only” limitation on the Airplane Multiengine Land rating?

ANSWER: Ref. Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A, Additional Rating Task Table – Airplane Multiengine Land, page 2-v; The applicant must accomplish Tasks C and D of Area of Operation XI. As of August 2002, the Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A was revised

and now the applicant is not permitted the choice of electing not to accomplish Engine Failure During Flight and (Task C) and Instrument Approach-One Engine Inoperative by reference to instruments (Task D). The applicant must be tested on Tasks C and D unless the aircraft is not capable of performing these required instrument tasks.
{ Q&A-220b }

QUESTION: 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: Ref. § 61.45(b). 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 (V_{mc}) and thus an applicant for an airplane multiengine rating would not be able to perform the V_{mc} 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 FAA 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 V_{mc} 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 FAA 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 FAA 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) 267-3844 and this office will give you more specific guidance.

{Q&A-89}

QUESTION: Is it possible, as an example, for an applicant to use a Piper Seneca 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: Ref. § 61.45(a)(1)(i). 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 reads "... 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: How does a DPE give a practical test in a glider if the regs require engine power controls?

ANSWER: Ref 61.45(c). 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: 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 surplus former military aircraft that were given to the police department. Can they take their practical tests in these helicopter?

ANSWER: Ref. § 61.45(a)(1)(ii) or (a)(2)(i). No, 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}

§ 61.47 Status of an examiner

QUESTION: A second area of disagreement concerns whether or not it is acceptable for the DPE to observe the applicant during the course of the practical test while occupying a seat other than a crew station. It seems to me that since the DPE is not the PIC, and there is a qualified PIC occupying a crew position, the DPE can properly conduct the test from a seat position other than a crew station, as long as he has clear view, and has clear communication capability with the persons occupying the crew positions.

ANSWER: Ref. § 61.47 and FAA Order 8710.3C, Chapter 5, page 5-2, paragraph 9.B. and C.; Other than those aircraft that require a flightcrew of two or more (see FAA Order 8710.3C, Chapter 5, page 5-2, paragraph 9.C.), the examiner is required to be seated at a pilot station seat.
{Q&A-456}

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

ANSWER: Ref. § 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}

§ 61.49 Retesting after failure

QUESTION: An applicant holds a private pilot certificate with ASEL and AMEL ratings. He attempted an initial instrument airplane check ride in a PA23 multiengine land airplane. He passed all areas 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 an approved flight-training device or flight simulator. Ref.

§ 61.65(a)(8)(ii).
{Q&A-410}

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

ANSWER: Ref. § 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: 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: 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: § 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: Ref. § 61.49(a)(2); We need to change § 61.49(a)(2) to clarify where the endorsement should be placed. It should have 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 Pilot logbooks

QUESTION: I hold a private pilot certificate with an airplane single engine land and instrument airplane rating. I'm working on receiving my commercial pilot certificate, with an airplane multiengine land and instrument ratings.

I was sent home from a checkride by an examiner due to incomplete endorsements and log book issues. I have a question regarding the log books entries for the flight time required to meet 61.129(b)(4). I have perused the part 61 FAQ, and it appears to be in conflict with the requirements of the examiner.

Per § 61.51, I understand I cannot log PIC time in a multi-engine airplane, since I do not hold an airplane multiengine rating. Per § 61.129(b)(4), time spent "performing the duties of pilot-in-command in a multiengine airplane with an authorized instructor" may be credited toward the 10 hours required by that rule.

The examiner wants to see these flights in my logbook with the time logged in the "PIC" column and not logged in the "Dual Received" column. He additionally wants each flight to carry the wording "performed as PIC" in the instructor's handwriting and with the instructor's signature. Is that correct logging? I don't see how it can be, given the requirements of § 61.51.

The examiner also wants my form FAA Form 8710-1 application to show (at least) 10 hours of PIC time in the Beechcraft Duchess (BE-76) in which I'm taking the test. He specifically wants to see this in Section II.A, box "2b" of the form. Is this correct? I'm concerned about this because the box is marked simply "Pilot in command," and does not contain the "performing the duties of pilot in command" wording. I want to be sure my application is accurate.

Also, is it possible for me to receive any instruction and also "perform the duties of PIC" at the same time? I'm not asking this in order to combine the requirements of § 61.129(b)(3) and § 61.129(b)(4). I have over 34 hours in a multiengine airplane in preparation for this rating. I just want to be sure I understand what needs to happen on flights where I "perform the duties of PIC" to meet the requirements of § 61.129(b)(4). Is being sole manipulator of the controls enough? (With very minor exceptions where I asked the instructor to demonstrate a maneuver, I've been the sole manipulator of the controls on every flight I've taken since my first multiengine airplane lesson). Also, I received a logbook endorsement from my instructor midway through my training wherein he stated that I was qualified to perform the duties of PIC (that is, it's a solo endorsement).

Finally, I want to be certain that I meet the requirements of § 61.129(b)(3)(i). I have 5.3 hours of simulated and actual instrument time in the Beech Duchess. So I have the five hours of instrument training in a multiengine airplane required by § 61.129(b)(3)(i). My question is whether the other 5 hours (for a total of 10 hours) needs to be specifically in preparation for the commercial pilot certificate, or if my original instrument training time (in pursuit of my instrument rating) and training time spent in the pursuit of an Instrument Competency Check may be credited toward the requirements of this section.

ANSWER: Ref. § 61.129(b)(4) and § 61.51(e)(1)(i); An applicant may not log as Pilot-In-Command (PIC) for time acquired while performing the duties of pilot-in-command with an authorized instructor unless the person holds an airplane multiengine land rating on his/her pilot certificate. For logging purposes, the time shall be logged in the AMEL column, conditions of flight column, dual received column, and total time column. In the remarks column, your flight instructor should record "PIC training per § 61.129(b)(4)."

For example, 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: PIC training per § 61.129(b)(4).
John Doe, CFI #5555555, Exp. 12-31-00

In answer to your question concerning where to record the 10 hours of performing duties of pilot in command on the FAA Form 8710-1, Airman Certificate and/or Rating Application, it is understood that the application doesn't

have a performing duties of pilot in command column. The 10 hours performing the duties as PIC with an instructor on board should be listed in the "Pilot in Command" column of the "Airman Certificate and/or Rating Application" (FAA Form 8710-1).

In answer to your question concerning whether it is possible for you to receive instruction while also "performing the duties of PIC." 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 the 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). 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.

In answer to your question concerning whether "... the other 5 hours (for a total of 10 hours) needs to be specifically in preparation for the commercial pilot certificate, or if your original instrument training time (in pursuit of my instrument rating) and training time spent in the pursuit of an Instrument Competency Check may be credited toward the requirements of this section." If an applicant already holds an instrument rating, and is seeking an additional aircraft class rating within the same category of aircraft rating then 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.

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.

{Q&A-603}

QUESTION: I am a current CFI & CFII. Assuming that the criteria for qualifying as a valid x-cross country flight and appropriate aircraft rating qualifications exist, how do the regulations apply in the following situation A student is a private pilot working on an instrument rating. If while I am in the right seat, the instrument student is the sole manipulator of the controls on a x-country flight, and is using a view limiting device to fly solely by reference to the instruments, can the instrument student log both (the same flying hours) as simulated instrument time and cross-country flight time as pilot in command? Does it make any difference if the flight is VFR or IFR?

ANSWER: Ref. § 61.51(e)(1)(i); The pilot who is working on his/her instrument rating and is under the hood may log PIC flight time whenever he/she is "... the sole manipulator of the control of an aircraft for which that pilot is rated."

Yes, a pilot may log cross country flight time as well as instrument flight time, provided the conditions of flight qualify for logging both cross country flight time and instrument flight time.

It makes no difference whether the flight is operated under VFR or IFR for being able to log PIC flight time.
{Q&A-596}

QUESTION: The situation is I have been hired as a pilot for a Part 135 operator as an SIC pilot crewmember position. This Part 135 company operates an LR Jet and I will serve as an SIC. And you can assume that I am § 61.55 and Part 135 SIC current and qualified. I have reviewed the Part 61 FAQ website and still have a few questions about how flight time can be logged as an SIC. I would like to know how an SIC would log night flight time, actual instrument flight time, simulated instrument flight time, cross country flight time, takeoffs and landings, and instrument approaches under the following scenarios:

Scenario No. 1: I acted as an SIC on a Part 135 flight operation in which the duration of the total flight was 2.0 hours. The flight consisted of 1.0 hour of actual instrument flight time, 0.3 hour of simulated instrument flight time (hood time), 0.5 hour during night conditions, 1.5 hour during day conditions, and 1.8 hours of cross country flight time. During the flight, there were 2 instrument approaches performed. There was 1 takeoff and 1 landing performed during daytime conditions. There was 1 takeoff and 1 landing performed during nighttime conditions. How would an SIC log the night flight time, instrument flight time, and cross country flight time, takeoffs and landings, and instrument approaches where the PIC is the flying pilot and is the sole manipulator of the controls, and I as the SIC is the non-flying pilot?

Scenario No. 2: I acted as an SIC on a Part 135 flight operation in which the duration of the total flight was 2.0 hours. The flight consisted of 1.0 hour of actual instrument flight time, 0.3 hour of simulated instrument flight time (hood time), 0.5 hour during night conditions, 1.5 hour during day conditions, and 1.8 hours of cross country flight time. During the flight, there were 2 instrument approaches performed. There was 1 takeoff and 1 landing performed during daytime conditions. There was 1 takeoff and 1 landing performed during nighttime conditions. How would an SIC log the night flight time, instrument flight time, and cross country flight time, takeoffs and landings, and instrument approaches where I as the SIC (the SIC does not hold a LR Jet type rating) is the flying pilot and is the sole manipulator of the controls?

Scenario No. 3: I acted as an SIC on a Part 135 flight operation in which the duration of the total flight was 2.0 hours. The flight consisted of 1.0 hour of actual instrument flight time, 0.3 hour of simulated instrument flight time (hood time), 0.5 hour during night conditions, 1.5 hour during day conditions, and 1.8 hours of cross country flight time. During the flight, there were 2 instrument approaches performed. There was 1 takeoff and 1 landing performed during daytime conditions. There was 1 takeoff and 1 landing performed during nighttime conditions. How would an SIC log the night flight time, instrument flight time, and cross country flight time, takeoffs and landings, and instrument approaches where I as the SIC (SIC holds a LR Jet type rating) is the sole manipulator of the controls?

Scenario No. 4: Would there be a difference if the flight was a Part 91 operation instead of Part 135 operation in how I would log the night flight time, instrument flight time, and cross country flight time, takeoffs and landings, and instrument approaches in this scenario?

ANSWER: For Part 61 purposes and to clarify my responses to your questions, the only flight time that is required to be logged is stated in § 61.51(a). **Emphasis Added:** Read § 61.51(a) because that is the rule that establishes the requirements for logging time in a pilot's logbook. But your questions also involve Part 135 because you said you're employed as an SIC for a Part 135 operator. So, Subpart F of Part 135 would apply, as appropriate, for documenting flight time, duty period limitations, and rest requirements. But my answers are only going to address the § 61.51 logging of flight time, because this Q&A website only addresses Part 61 requirements.

Scenario No. 1: Ref. § 61.51(b)(1)(ii), (2)(iii), (3)(i), (ii), (c), (e)(1), (f), and (g); The SIC is the non-flying pilot (*meaning* the PIC is the sole manipulator of the controls) and per the scenario the SIC does not hold a LR Jet type rating.

Total Flight Time: 2.0 hours
SIC Flight Time: 2.0 hours
PIC Flight Time: None
LR Jet Flight time: 2.0 hours
Day Conditions Flight Time: 1.5 hours
Night Conditions Flight Time: 0.5 hours
Actual Instrument Flight Time: 1.0 hours
Simulated Instrument Time (Hood time): None
Cross Country Flight Time: 2.0 hours
Instrument Approaches: None
Takeoffs (Daytime): None
Landings (Daytime): None
Takeoffs (Night time): None
Landings (Night time): None

Scenario No. 2: Ref. § 61.51(b)(1)(ii), (2)(iii), (3)(i), (ii), (c), (e)(1), (f), and (g); The SIC is the flying pilot (*meaning* sole manipulator of the controls) and per the scenario the SIC does not hold a LR Jet type rating.

Total Flight Time: 2.0 hours
SIC Flight Time: 2.0 hours
PIC Flight Time: None
LR Jet Flight time: 2.0 hours
Day Conditions Flight Time: 1.5 hours
Night Conditions Flight Time: 0.5 hours
Actual Instrument Flight Time: 1.0 hours
Simulated Instrument Time (Hood time): 0.3 hours
Cross Country Flight Time: 2.0 hours
Instrument Approaches: 2
Takeoffs (Daytime): 1
Landings (Daytime): 1
Takeoffs (Night time): 1
Landings (Night time): 1

Scenario No. 3: Ref. § 61.51(b)(1)(ii), (2)(iii), (3)(i), (ii), (c), (e)(1), (f), and (g); The SIC is the flying pilot (*meaning* sole manipulator of the controls) and per the scenario the SIC holds a LR Jet type rating.

Total Flight Time: 2.0 hours
SIC Flight Time: None
PIC Flight Time: 2.0 hours
LR Jet Flight time: 2.0 hours
Day Conditions Flight Time: 1.5 hours
Night Conditions Flight Time: 0.5 hours
Actual Instrument Flight Time: 1.0 hours
Simulated Instrument Time (Hood time): 0.3 hours
Cross Country Flight Time: 2.0 hours
Instrument Approaches: 2
Takeoffs (Daytime): 1
Landings (Daytime): 1
Takeoffs (Night time): 1
Landings (Night time): 1

Scenario No. 4: Ref. § 61.51(b)(1)(ii), (2)(iii), (3)(i), (ii), (c), (e)(1), (f), and (g); No, there is no difference in whether the flight was a Part 135 operation or a Part 91 operation. § 61.51 is the only rule that addresses logging of aeronautical experience (*otherwise*, "flight time") in a pilot's logbook.
{Q&A-587}

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: Ref. § 61.1(b)(10) and § 61.51(g)(4); Yes, if using a flight simulator (FS) or a flight training device (FTD), the instrument currency requirements 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. To use a flight simulator or flight training device you have to have an authorized instructor there to monitor the training.
{Q&A-103}

QUESTION: I am a private pilot, working on my instrument rating and I will eventually work toward my CFI, etc. I am also a paragliding instructor.

I have accumulated well over a thousand hours of paragliding flight time, and over 100 hours of Tandem paragliding instruction (Under FAR 103, exemption 4721). I have traveled nearly 100 miles and climbed to over 15,000 feet. As I read § 61.129 I see that for my commercial rating I need "at least 250 hours of flight time as pilot that consists of at least:

1. 100 hours in powered aircraft, of which 50 hours must be in airplane
2. 100 hours of pilot in command time, which includes at least
 - (i) 50 hours in airplanes; and
 - (ii) 50 hours in cross-country flight of which at least 10 hours must be in airplanes.

Now, my question: assuming I can complete my commercial training, and have the prerequisite skills to complete my Practical test before I have accumulated 250 hours in an airplane (or, in my wife's case, in a helicopter) can I apply paragliding time to the 250 hour requirement?

ANSWER: Ref. § 61.51 and FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B.; You may not use time in a paraglider for meeting any of the aeronautical experience requirements of Part 61.

Specifically, the FAA's policy on the logging of flight time is addressed in FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B. which states:

"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.

A paraglider is neither type certificated as an aircraft, nor does a paraglider hold an airworthiness certificate. A paraglider does not hold an FAA civilian type designation as an aircraft. So the answer is no, the time may not be logged for meeting any of the requirements for a pilot certificate or rating or to meet the recency of experience requirements set forth in Part 61.

{Q&A-570}

QUESTION: I am sorry, but it is the age old Pilot-In-Command question again. As an examiner I am required to check the applicant's log book to determine that he meets the minimum aeronautical experience requirements for a certificate or rating.

Therefore, when an applicant is training for his instrument rating and commercial pilot certificate, an applicant has logged pilot-in-command while receiving dual instruction. In accordance with § 61.51(e)(1)(i), this is perfectly acceptable. Now when that same applicant is applying for his commercial pilot certificate which requires 100 hours of pilot-in-command flight time. If I use § 61.51 for guidance, then the PIC / dual flight time can be used to satisfy the 100 hours of pilot-in-command flight time requirement.

If I use § 1.1, then I must disallow the PIC / Dual flight time from the FAA Form 8710 application, which may disqualify the applicant.

I haven't had to deal with this on a practical test. But the question has arisen from an interpretation from a local flight school. Obviously the CFI's are eager to hear the REAL answer.

ANSWER: Ref. § 61.51(e)(1)(i); A rated pilot may log PIC flight time when that person "... is the sole manipulator of the controls of an aircraft for which the pilot is rated ..." [See § 61.51(e)(1)(i)].

Do not confuse the PIC flight time logging requirements of § 61.51(e) with the legal definition of pilot in command in § 1.1. Look at it this way, the only time you need to be concerned with the legal definition of pilot in command in § 1.1 is when the FAA has you in court and our attorney is trying to prove in a court of law that you were the PIC. The legal definition of PIC in § 1.1 has nothing to do with the logging of PIC flight time in § 61.51(e).

As an FAA Aviation Safety Inspector (*or you as a DPE*), when I'm reviewing an applicant's FAA Form 8710-1 application and logbook, the legal definition of PIC in § 1.1 has no relevance with my ascertaining whether the applicant has met the required PIC flight time to qualify for the certificate or rating. I leave the figuring out who was the legal PIC to the attorneys and judges.

So, in accordance with § 61.51(e)(1)(i), a rated pilot may log PIC flight time when that person "... is the sole manipulator of the controls of an aircraft for which the pilot is rated ..." So whether the person's flight instructor is

on board or not, if that rated pilot “. . . is the sole manipulator of the controls of an aircraft for which the pilot is rated . . .” then that person may log PIC flight time.

In the case of the applicant for the Instrument – Airplane rating and the Commercial Pilot Certificate, you needn't disallow the “logging” of PIC flight time because you're trying to figure out whether the applicant was or was not the legal PIC. The “logging” of PIC flight time for a rated pilot is predicated only on the basis of § 61.51(e).
{Q&A-565}

QUESTION: Would I log these approaches as PIC?

ANSWER: Ref. § 61.51(e)(1)(i); Yes, you may log the time as PIC flight time provided you were sole manipulator of the controls and you were appropriately rated in the aircraft you performed the instrument approaches in. (*Meaning*, if the airplane was a multiengine land airplane, you must hold an Airplane Multiengine Land rating on your U.S. private pilot certificate).
{Q&A 563}

QUESTION: May the safety pilot hold a Swiss private pilot license instead of an FAA private pilot certificate?

ANSWER: Ref. § 61.51(b)(1)(v) and § 91.109(b)(1); Yes, the safety pilot need only hold a Swiss private pilot certificate. Our rule only requires that the safety pilot “. . . possesses a private pilot certificate with category and class ratings appropriate to the aircraft being flown.”
{Q&A-563}

QUESTION: Regarding § 61.189 (a). I teach a 141 CFI ground school. During the section on FARs I discuss the need for an instructor to record both flight AND GROUND instruction given in the student's logbook. I routinely sign the back of the logbooks for the ground portion whether I am conducting the ground training under Part 61 or Part 141. I have been told that when pre-and-post time is being given in a Part 141 school the ground training does not need to be recorded in the student's log. I'd rather be safe than sorry. What is the requirement for logging "pre and post" ground instruction conducted under Part 141?

ANSWER: Ref. § 61.51(h)(2); The training time must be logged in a logbook. However, a training record ledger that most flight schools use to record an individual student's training time and content for each lesson is also considered a logbook for the purpose of meeting the intent of § 61.51(h)(2).
{Q&A-559}

QUESTION: I am a qualified private pilot (ASEL) with no CFI rating. A friend is taking (flying) lessons and when flying with me she might manipulate the controls at any stage (with of course a positive hand-over call - i.e. "Your controls"). I have no doubts that: a) at all times I remain the § 1.1 PIC and bear responsibility for the aircraft, its occupants and third parties and property; b) the time my friend spends effectively in control of the aircraft cannot be counted towards her pilot certification requirements, but is there any reason why she should not use her logbook to record this time so long as it is clearly and demonstrably not being claimed as qualifying time for the purposes of certification? My contention would be that this would be permissible so long as the time was separately accounted for and therefore no question of fraudulent record keeping could be entertained.

ANSWER: Ref. § 61.51(e)(4); No the student pilot may not log the time. A student pilot is merely a passenger in your scenario. As you correctly stated, you are the legal § 1.1 PIC on that flight. Again, the student pilot is merely a passenger.
{Q&A-548}

QUESTION: I was having trouble interpreting the regulations how simulator or flight training device time is logged. Regardless if it is being logged towards a pilot certificate or rating I wanted to know if the time spent in the sim or FTD can be logged towards total time in the logbook. When reading the regulation it doesn't specify that you can or can not. It states in Part 61 that it is pilot time, but not how it is logged.

ANSWER: Ref § 61.51(h); No. Simulator, flight training device and PCATD time cannot be logged as "flight time" and does not belong in a "Total Flight Time" column in your logbook. See Q&A #320 for additional detail

{Q&A-538}

QUESTION: I also wanted to verify that logging night time, not for currency requirement, is from sunset to sunrise.

ANSWER: Ref. Definitions, part 1, §§ 61.51(b)(3)(i), 61.57(b) and 91.209. No. "Sunset-to-sunrise" is used per § 91.209 in specifying when aircraft lighting is required. This is not the guidance for logging night flight time.

Flight time at "night" should be logged in accordance with the part 1 definition of "night." The definition specifies night as the "time between the end of evening civil twilight and beginning of morning civil twilight as published in the American Air Almanac." By "rule-of-thumb" the nighttime period starts about 30 minutes after sundown and ends about 30 minutes before sunrise. The twilight period varies slightly by latitude but is approximately 30 minutes in the "lower 48" & Hawaii. Astronomers or persons doing celestial navigation most commonly use an Air Almanac. Few pilots have even seen or used an Air Almanac.

In 61.57(b), "One hour after sunset to one hour before sunrise" is the qualification to be met in logging landing currency qualification for being PIC when carrying passengers between an hour after sunset to an hour before sunrise. This is not the guidance for logging night flight time.

{Q&A-538}

QUESTION: I have two instrument students who wish to build time to credit for the 50 hours of cross-country PIC flight time required for the instrument and commercial certificates. They intend to fly cross-country flights together, trading off legs with one flying as safety pilot and the other manipulating the controls while under the hood. I've counseled them that the safety pilot may log the time as PIC only for the duration the manipulating pilot was under the hood and can not count the flight as cross-country towards the instrument and commercial rating requirements. Is it acceptable for the safety pilot PIC flight time to count towards these specific cross-country requirements?

ANSWER: Ref. §§ 61.1(b)(3)(ii), § 61.51(e)(1)(iii); No. Your advice is good. The pilot performing the takeoff and landing, i.e., conducting flight in an appropriate aircraft per the definition of cross-country, is the person acquiring the cross-country credit. A safety pilot can not possibly log 100% of a flight since during visual operations [takeoff, landing, etc.] the safety pilot services are not required. The person that acts as safety pilot is no more than a passenger during the VFR portions of the flight. There is no logic, common sense or regulatory provision for a passenger, even a part time safety pilot, to log cross-country flight time.

{Q&A-536}

QUESTION: What is the FAA's policy/requirements on accepting a re-created logbook where the original logbook was destroyed in a fire or lost? What is needed to substantiate flight time in a re-created logbook?

ANSWER: Ref. § 61.51 and FAA Order 8700.1, Vol. 2, Chapter 1, page 1-52, paragraph 21; The FAA policy on a lost logbook or flight record is stated in FAA Order 8700.1, Vol. 2, Chapter 1, page 1-52, paragraph 21. This policy states:

21. LOST LOGBOOKS OR FLIGHT RECORDS.

Aeronautical experience requirements must be shown for a person to be eligible for the issuance or to exercise the privileges of a pilot certificate. A pilot who has lost logbooks or flight time records should be reminded that any fraudulent or intentional false statements concerning aeronautical experience are a basis for suspension or revocation of any certificate or rating held. The pilot who has this problem may, at the discretion of the inspector accepting the application for a pilot certificate or rating, use a signed and notarized statement of previous flight time as the basis for starting a new flight time record. Such a statement should be substantiated by all available evidence, such as aircraft logbooks, receipts for aircraft rentals, and statements of flight operators.

A good place to start in re-creating a logbook to substantiate a person's flight time would be to request a copy of your most recent FAA Form 8710-1, Airman Certificate and/or Rating Application from the FAA's Airmen Certification Branch, AFS-760, FAA Aeronautical Center, P.O. Box 25082, 6500 S. MacArthur Blvd., Oklahoma City, OK 73125; (405) 954-3822. That is another reason why the FAA encourages flight instructors to ALWAYS complete the

"III Record of Pilot Time" when submitting an FAA Form 8710-1, Airman Certificate and/or Rating Application for renewal or reinstatement of their flight instructor certificate.

Another good source for airline pilots are their company's records center (crew scheduling, flight dispatch, or payroll) that keeps records of a person's flight time.

For military pilots, their unit's flight operations section maintains military pilot flight time records.

For flight instructors who are employed by a Part 141 pilot school or a Part 142 training center or an established fixed base operator (FBO), those companies' crew scheduling/payroll departments would probably keep accurate flight records.
{Q&A-492}

QUESTION: If a person holds a Private Pilot Certificate or higher with an Airplane – Single Engine Land rating, may that person log PIC while undergoing training for an Airplane – Multiengine Land rating at the private pilot certification level?

The rule [i.e., § 61.51(e)(4)(ii) and (iii)] now provides that a student pilot may log PIC if that pilot has a solo endorsement and is undergoing training for a different certificate or rating. Is a person who holds a Private Pilot Certificate with an Airplane – Single Engine Land rating considered a student pilot when seeking an Airplane – Single Engine Sea rating? If so, then would a person who holds an Airplane – Single Engine Land rating and is undergoing training for an Airplane – Multiengine Land rating or an Airplane – Single Engine Sea rating be considered a student pilot?

Also does "undergoing training" in this context of my question mean dual instruction?

ANSWER: Ref. § 61.51(e)(1)(ii) and § 61.31(d)(3); § 61.51(e)(4) to which you refer only applies to persons holding a student pilot certificate. You asked "Is a person who holds a Private Pilot Certificate with an Airplane – Single Engine Land rating considered a student pilot when undergoing training for an Airplane – Multiengine Land rating or an Airplane – Single Engine Sea rating?" No, that person is a certificated pilot at a level above "student pilot" and § 61.51(e)(4) does not apply. He is not a student pilot nor considered a student pilot.

In order to "log" PIC flight time For the scenario you've asked in your question, the person would have to meet the requirements of § 61.51(e)(1)(ii) to log PIC by being the "... the sole occupant of the aircraft ..." because the pilot is not rated in the aircraft. However, in order to operate as sole occupant, the person would have to 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." [see § 61.31(d)(3)]

The intent of the phrase "undergoing training" in §§ 61.51(e)(4)(iii) or the phrase "receiving training" in § 61.31(d)(3) merely means receiving training for the purpose of a certificate or additional rating. The training may be dual training received from an authorized instructor while the instructor is on board the aircraft. Or the training may be a part of the training process where the person is solo aboard the aircraft after being given an appropriate solo privilege endorsement per subpart C for student pilots or § 61.31(d)(3) for recreational and higher level certificated pilots.
{Q&A-479}

QUESTION: How does the FAA translate USAF primary time, secondary time, and total time to the FAA PIC, SIC, and total times? I'm in the process of translating my USAF times to FAA times for airline applications, but I can't find a clear answer on how to do this. I have read §§ 61.51, 61.73, and FAQ Part 61 web site. I received USAF undergraduate pilot training (UPT) in the T-37 and T-38 and afterwards attended C-141 initial training in 1987. I upgraded to First Pilot (left seat copilot) in 1988. In 1989 attended T-38 school and received a Form 8 as a MP (Aircraft Commander). In 1993, I received my initial certification as a C-141 Aircraft Commander. Since then I have flown two other transport aircraft going through their respective upgrade programs to aircraft commander or instructor. In 1996, I took the military comp exam and received my civil certification. I am still a military pilot.

ANSWER: Ref. § 1.1, § 61.51(e), and § 61.51(f): I know the military has some very slight differences in their rules for how they allow you military pilots to log flight time, PIC flight time, and SIC flight time. However, logging flight time in accordance with FAA requirements is addressed in § 61.51. The pertinent rules that address your questions are located in the following rules:

Per § 1.1, this rule defines “flight time” as “Pilot time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing.”

Per § 61.51(e), this rule defines the logging of “PIC flight time”.

Per § 61.51(f), this rule defines the logging of “SIC flight time.”

Otherwise, it is up to you to convert your logged military flight time to meet these rules.

QUESTION: The Air Force rules state that “primary time is time actively controlling the aircraft,” it seems to fit the description of § 61.51(e)(1)(i) [i.e., “the sole manipulator of the controls”]. What exactly does “. . . for which the pilot is rated. . .” mean?

ANSWER: Ref. § 61.51(e)(1)(i); You asked what does “. . . for which the pilot is rated . . .” mean in § 61.51(e)(1)(i). Well for your situation, you must have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as pilot in command in order to log pilot in command flight time.

Additionally, I am not completely familiar with all the different military logging of time definitions. But the phrase “. . . for which the pilot is rated . . .” in § 61.51(e)(1)(i) would mean as for an example:

A person holds a Private Pilot Certificate with an Airplane Single-Engine Land class rating. While that person is receiving training for the Airplane Multiengine Land class rating, the person would log the flight time as “flight training time” received [meaning dual training per § 61.51(b)(2)(iv)] while that person is the sole manipulator of the controls (hands-on time). And the flight training would need to be endorsed by the instructor who provided the flight training. This would not be logged as PIC flight time because the pilot is not “rated” in a multiengine land airplane.

However, if that same pilot were receiving dual training in a single-engine land airplane, all flight time while that pilot was the sole manipulator of the controls (hands-on time) could be logged as PIC flight time since the pilot is already rated in a single-engine land airplane.

To log PIC in an aircraft that has a type rating designation, a pilot must have passed the appropriate type rating practical test and have that type rating awarded on his/her pilot certificate. Since the C-141 has a FAA aircraft type rating designation as the L-300 (Lockheed 300) you must have accomplished an official U.S. military pilot check and instrument proficiency check and designated as MP (aircraft commander) to thereby be “rated” before you may log PIC in the aircraft.

QUESTION: In § 61.73 it refers various times to “rated military pilot,” but does not define it. In the AF, we refer to a graduate of Undergraduate Pilot Training (UPT) as a “rated pilot.”

ANSWER: Ref. § 61.73(h)(3); Essentially, a “rated military pilot” is a graduate of our U.S. military Undergraduate Pilot Training course. This is the minimum requirement that combines with the completion of the military competency aeronautical knowledge test and the administrative application process that allows the FAA to issue military pilot a Commercial Pilot Certificate and instrument rating if appropriate.

QUESTION: I understand any time I was designated on the USAF flight orders as an Aircraft Commander, I can log PIC flight time, regardless of whether I was actually manipulating the controls. As per § 61.51(e)(2), which 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.” Does this apply to me since the USAF does not require an ATP certificate, so I don't believe this has any bearing in my case regardless of when I received my ATP certificate?

ANSWER: Ref. § 61.51(e)(1)(iii) or (e)(2); You may log PIC flight time when you have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as pilot in command. The way the FAA would interpret your position as an Aircraft Commander time is as follows:

The logging of PIC flight time when you are acting/serving as an Aircraft Commander resembles § 61.51(e)(1)(iii). As for your situation, when you are acting/serving as the PIC (i.e., Aircraft Commander) in the C-141, you may log the time as PIC because the military requires that 2 pilots be aboard and you are the assigned PIC (i.e., Aircraft Commander) for the flight [ref. § 61.51(e)(1)(iii)]. And you are a rated military pilot and qualified in the C-141 to act/serve as the PIC (i.e., Aircraft Commander).

QUESTION: I interpret § 61.51(e)(4) to mean I can log as PIC flight time for the time I was going through USAF training to achieve my military pilot (e.g., aircraft commander & copilot) qualification?

ANSWER: Ref. § 61.51(e); No. When you were receiving flight training to qualify as a second in command or as an Aircraft Commander in a specific type of airplane you were not yet rated in that airplane. Therefore, you may not log that training time as SIC or PIC flight time. You had not yet accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as SIC or PIC. Just like civilian pilots, you'd be expected to log the flight time as flight training (dual) received. [Ref. § 61.51(b)(2)(iv)].

You may log SIC flight time after you have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as second-in-command (co-pilot). You may only log SIC flight time when the circumstances comply with the logging of SIC flight time as per § 61.51(f).

You may log PIC flight time after you have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as pilot-in-command (MP). You may only log PIC flight time when the circumstances comply with the logging of PIC flight time as per § 61.51(e).

§ 61.51(e)(4) is not appropriate to your question. It could only apply to solo (sole occupant) flight, if any, while in the UPT in the T-37 & T-38. Solo flight may be logged as PIC.

QUESTION: In the Part 61 FAQ website, several times it's emphasized that “acting” as PIC is different from “logging” PIC flight time. Therefore, may all my primary time as a copilot prior to my Aircraft Commander upgrade be logged as PIC flight time?

ANSWER: Ref. § 61.51(e); No. You may only log PIC flight time when the circumstance complies with the logging of PIC flight time of § 61.51(e). The “primary time” (your words) may not be logged as PIC flight time since you had not accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable. Only when you have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft as a PIC may you begin logging PIC flight time. And even then, after you did accomplish an official U.S. military pilot check and instrument proficiency check in that aircraft as PIC, there were times after that where the training curriculum called for dual flight training periods where you were not the sole manipulator of the controls and would log “dual training”. I know when you were undergoing military flight training, there were training periods involving dual flights with your military IP. The IP was manipulating the controls while you watched. Right?

But most of all in answering all your questions, I'll say it again, you may log PIC flight time when you have accomplished an official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if type is applicable, as pilot in command.
{ Q&A-462 }

QUESTION: I have been asked by a part 135 pilot whether he may log pilot-in-command for the time while he is sole manipulator of the controls of a turbojet airplane; specifically a G-IV? The pilot holds an ATP certificate with an AMEL category class rating, but does not hold the G-IV or any other aircraft type ratings. He is employed as second in command by a part 135 operator operating G-IV's that require a second-in-command pilot. He meets the second in command qualifications under § 61.55 and has successfully completed a VFR/IFR SIC part 135 check in the G-IV. He also asked if his ability to log PIC would be different whether flights are operated under part 91 vs. 135?

ANSWER: Ref. § 61.51(e)(1)(i) and § 61.51(f); No, this pilot can not log any time in the G-IV as PIC flight time because, as you indicate, the SIC pilot does not hold a G-IV type rating. This pilot crewmember may only log SIC time in the G-IV. PIC flight time can only be logged when that pilot “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . .” (emphasis added). The logging of PIC flight time [i.e., § 61.51(e)] applies the same to operations conducted under part 91 and operations conducted under Part 135. Assignment of crew position/duties (e.g., to “fly the leg”) and LOGGING of PIC flight time are totally separate and independent issues. As for logging SIC time, § 61.51(f) is the governing rule regardless of whether the flight is being conducted under part 91 or under Part 135.

{Q&A-447}

QUESTION: Q&A #392 indicates that a pilot who holds an ATP certificate with a Citation 560 type rating; who is employed as second in command on a Citation 560 for a part 135 operator (14 CFR 135); who meets the second in command qualifications under § 61.55; and who has successfully completed a VFR/IFR SIC part 135 check in the Citation 560, may log pilot-in-command time in the Citation 560 on part 135 operational flights when this pilot is sole manipulator of the controls of the Citation 560. My question is whether the same holds true for a similarly situated pilot operating under a part 121 (e.g., the pilot has a Boeing 737 type rating; is employed by a part 121 air carrier; is qualified under § 61.55; and has a current part 121 SIC check)?

ANSWER: Ref. § 61.51(e)(1)(i); Yes, the pilot who holds a B737 type rating and is the sole manipulator of the controls may log the time as PIC flight time per § 61.51(e)(1)(I); “. . . the sole manipulator of the controls of an aircraft for which the pilot is rated . . .”. Yes, even when the pilot is employed in a Part 121 operation and is assigned as SIC, § 61.51(e)(1)(i) allows the SIC pilot who holds a B737 type rating to log the time as PIC flight time when that pilot “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . .”. Assignment of crew position and LOGGING of PIC flight time are totally separate and independent issues.

{Q&A-446}

QUESTION: A person is receiving training for a U.S. Commercial Pilot and Instrument Rating. The person holds a Canadian Commercial Pilot Certificate – ASEL and AMEL, and Instrument-Airplane Rating. The person has received a Restricted U.S. private pilot certificate, ASEL and AMEL, Instrument Airplane (passed the instrument foreign knowledge test) that was issued in accordance with § 61.75 (based on her Canadian pilot certificate). The person stated that the examiner is denying her to take the practical tests because he said he cannot count her previous flight training received in Canada from a Canadian flight instructor [§ 61.41(a)(2)] because the individual training sessions were not signed off individually by the instructor. She stated her logbook and the way they do it in Canada at the school she attended to earn her Canadian Commercial Pilot Certificate and Instrument Rating was that she would fill in the contents and times of each training session, and then the school's chief instructor would make one single signature endorsement on each page of her logbook that essentially states that he the chief instructor is certifying the times and contents of the training are correct.

The person stated the examiner who is denying her to take the practical tests told her each entry must be signed by the flight instructor. I assume this examiner is reading § 61.51(h)(2) and understanding that to specifically state that the training must be individually signed off for each lesson.

Does each individual flight training session have to be signed off individually by the instructor or can one signature from the instructor serve as a “blanket” signature for all the flight training sessions?

ANSWER: Ref. § 61.51(b) nor (h)(2); Neither § 61.51(b) nor (h)(2) require that each training session be signed off individually by the instructor. I agree that may be the normal and probably preferred method, but it is not the only method for “. . . Be endorsed in a legible manner by the authorized instructor . . .” [i.e., § 61.51(h)(2)]. It is possible and I've seen it both ways, that the instructor just makes one blanket signature for the entire page or the instructor can make individual signatures to log the flight training given. And I've seen it where the instructor makes one blanket signature on the last page of the student's training jacket that certifies the flight training given. Either way, the rules are not specific on addressing this issue. Unless there is something more that I'm not being told in the question to suspect the flight training time may not be legitimate, I would not prevent the person from qualifying for the practical test merely because each flight training session was not individually signed off by the instructor. As I previously stated, neither § 61.51(b) nor (h)(2) require the training sessions to be individually signed off by the instructor.
{Q&A-437}

REVISION: Q&A #254 revision is a result of the issuance of Public Law 106-424, section 14, dated November 1, 2000. Public Law 106-424. Public Law 106-424, Section 14 and some pertinent discussion is shown in Appendix #1 at the end of this Q&A document.

QUESTION: In accordance with § 61.51(e)(1)(i), can a rated and qualified pilot [e.g., meaning a pilot who holds a Commercial Pilot Certificate with a Helicopter rating] log that flight time to meet the aeronautical experience, recency of experience, and currency requirements of 14 CFR Part 61 in the Baltimore County Police Department's OH-58's which are surplus former military helicopters? Otherwise, is this flight 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? Meaning, is this time logable as PIC flight time under § 61.51(e)(1)(i) [meaning if the pilot “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated . . .”]??

ANSWER: Ref. § 61.51(e)(1)(i); Public Law 106-424, § 14, dated November 1, 2000; and FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B; The answer is yes, the time is logable provided the pilot of a Federal, State, County, or Municipality law enforcement agency is (or was) engaged in a law enforcement flight activity.

QUESTION: Is the flight time acquired by a pilot of a Federal, State, County, or Municipality law enforcement agency who is engaged in a law enforcement flight activity log able for the purpose of meeting the requirements of § 61.51(a)(1) and (2)?

ANSWER: Ref. § 61.51(a)(1) and (2); Public Law 106-424, § 14, dated November 1, 2000; Yes this time is logable, provided the pilot of a Federal, State, County, or Municipality law enforcement agency is engaged in a law enforcement flight activity.

QUESTION: What about the flight time [i.e., meaning “pilot time,” “solo flight time,” “pilot in command flight time,” and “instrument flight time”] performed in public aircraft by a pilot of a Federal, State, County, or Municipality law enforcement agency who was engaged in an official and authorized law enforcement activity prior to the establishment of Public Law 106-424, § 14, meaning flight time performed prior to November 1, 2000? Will those pilots who were not allowed to log the flight time prior to the establishment of Public Law 106-424, § 14 now be allowed to log that flight time that was performed prior to November 1, 2000 (otherwise will that flight time now be “grandfathered” in as log able flight time now)?

ANSWER: § 61.51; Public Law 106-424, § 14, dated November 1, 2000; Yes, the flight time may be “grandfathered” (yes it may be logged) provided the pilot of a Federal, State, County, or Municipality law enforcement agency was engaged in a law enforcement flight activity.

QUESTION: Does Public Law 106-424, § 14, dated November 1, 2000, permit a pilot of a Federal, State, County, or Municipality law enforcement agency to utilize a public aircraft for the purpose of receiving pilot training to meet the aeronautical experience, recency of experience, and currency requirements of 14 CFR Part 61 and also log the time? As for example, can the Baltimore County Police Department and its pilots utilize their surplus military OH-58 helicopter to provide flight training for one of their pilot applicants for the purpose of receiving pilot training

to meet the aeronautical experience, recency of experience, and currency requirements of 14 CFR Part 61? Meaning, the flight does not involve any law enforcement activity. The purpose of the flight is strictly for the purpose of their pilot applicant to receive pilot training to meet the aeronautical experience, recency of experience, and currency requirements of 14 CFR Part 61.

ANSWER: Ref. § 61.51 & Public Law 103-411 and § 40102 of Title 49 of the United States Code; The answer is no. For the scenario you have presented in your question, a public aircraft may not be used for the purpose of receiving pilot training for the furtherance of a certificate, rating, or recency of experience, and no the time cannot be logged. Public aircraft may only be used for the purposes as set forth in 49 U.S.C. § 40102 (B) or as per Public Law 103-411. As I mentioned previously, Public Law 106-424, § 14, dated November 1, 2000 only addresses the logging of flight time in public aircraft during flights involving a law enforcement activity.
{Q&A-254}

QUESTION: Ref. § 61.51;

1. You ask whether the pilot can log PIC flight 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 flight 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 § 61.51 of the Federal Aviation Regulations (14 CFR § 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 § 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 § 135.103), as is the case For 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 § 61.51(e).

§ 61.51(e) provides, in pertinent part, that a private or commercial pilot may log PIC flight 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 flight 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 For the scenario you provided in your letter may be properly logging flight time pursuant to § 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.

§ 135.95 of the Federal Aviation Regulations (14 CFR § 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)

§ 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 § 135.245 (14 CFR § 135.245) and the initial and recurrent training and testing requirements under section 135.293 (14 CFR § 135.293).

§ 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.

§ 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 § 135.95 and § 135.115 (he or she holds the appropriate certificate and ratings pursuant to § 135.245 and that pilot has received the initial and recurrent training and testing requirements in accordance with § 135.293).

In addition to being properly "qualified," a pilot may only manipulate the controls of an aircraft under § 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 § 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 §§ 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 flight 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 you 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. Prasinis
413-B South Melville Ave.
Tampa, FL 33606

Dear Mr. Prasinis:

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 § 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 you 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 § 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 § 61.57 that are appropriate to the operation you seek to conduct, and you must meet the flight review requirements under § 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 § 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 § 61.51(e). § 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 (§ 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 (§ 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 [§ 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 [§ 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 § 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 § 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 § 1.1 that defines “pilot flight time”. I said that some of our pilots claimed “flight time” included start, warm-up, taxi, run-up, 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 § 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 § 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: 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 flight 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 flight time, based on § 61.51(e)(1)(i)?

ANSWER: 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 flight time.

QUESTION: 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: 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 flight time and training received time.

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

ANSWER: 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 & AME 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 flight 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 flight 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.

Per § 61.113(g), a private pilot who meets the requirements of Sec. 61.69 may act as pilot in command of an aircraft towing a glider. And per § 61.51(e)(1) pilot-in-command flight time may be logged for that flight time during which that person is the sole manipulator of the controls of an aircraft for which the pilot is rated.

{Q&A-356}

QUESTION: 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: Ref. § 61.51(e)(1)(i); PP #1 logs 1.0 PIC flight time, 1 hour of airplane single-engine land time, and 1 hour of total flight time. PP #2 logs 2.0 PIC flight 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: 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: Ref. § 61.51(e)(1)(i) and § 61.51(a)(1) and (2); PP #2 logs 3.0 of PIC flight 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: Ref. § 61.51(b)(1)(iv), (b)(3)(iii), (g)(4), and (h)(1) and § 61.51(a)(1) and (2); Keep in mind that logging time is only required for the purposes stated in § 61.51(a)(1) and (2), i.e., experience used to meet the requirements for a certificate, rating, or flight review and meeting the recent flight experience requirements.

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"). 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 flight 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."

The FARs specifically permit 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. [See § 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.] However, this is not flight time and 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 be 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, this is 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: A pilot wanting instrument training holds Private-ASEL, and the 61.31(i) tailwheel endorsement. The instructor holds Commercial-ASEL-IA and CFI-ASE-IA, but no tailwheel experience and endorsement. 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: Ref. § 61.51(e)(3), § 61.31(i) and § 61.195(c); Yes, the flight instructor may log the time as PIC flight time. Yes, the instructor may give instrument instruction towards an instrument rating to a pilot in a single-engine tailwheel airplane while that pilot serves as PIC. But the flight instructor cannot act/serve as PIC. And the reason I say may log the time as PIC flight 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, somebody must be aboard the aircraft who meets the requirements of § 61.31(i) in order to act as PIC, so the person receiving instrument training must be fully qualified to act as PIC.

QUESTION: If so, can the instructor log PIC flight time under the “authorized instructor giving instruction” clause of § 61.51, or is he banned from logging PIC flight time because he lacks the tailwheel endorsement?

ANSWER: Ref. § 61.51(e)(3); Yes, the flight instructor may log the time as PIC flight time while performing instrument instruction and only that time while giving instrument instruction. Emphasis added: it has to be instrument instruction. But again, the person receiving instrument training must also meet the requirements of § 61.31(e) in order to act as PIC.

QUESTION: 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: Ref. § 61.31(e) and § 61.51(e)(1) and (3) and § 61.195(b) and (c). The person receiving the instrument instruction, may log it as PIC flight 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 . . . For the scenario you’ve given, if the person being trained isn’t manipulating the controls he must stop logging PIC flight 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.
{Q&A-297}

QUESTION: 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: 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 to 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, nowhere 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: 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: 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: 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: Ref. § 61.51(g); As previously answered 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, § 91.169 information required for operating on an IFR flight plan; §91.155 basic VFR weather minimums, etc].

QUESTION: 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: § 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: Question about logging of pilot-in-command time. You asked whether a pilot needs to have the appropriate 14 CFR § 61.31 endorsements before he or she can properly log pilot-in-command time under 14 CFR § 61.51(e) when that pilot holds a private pilot certificate with a single-engine land rating and is receiving training in a single-engine land airplane that is also a complex or high performance airplane. Can this person log the time he or she manipulated the controls as pilot-in-command time.

ANSWER: Ref. § 61.51(e)(1)(i); § 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 flight 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: "aircraft for which the pilot is rated"). The term "rated," as used under 14 CFR § 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 § 61.5 and are placed on the pilot certificate.

Therefore, based on the scenario given, 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 § 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 § 61.31. 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. § 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 § 61.51(e). 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}

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)]. § 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 flight 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 flight 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 flight time. And yes, that Private Pilot may use that PIC flight 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: 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: 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 a SIC for IFR operations, the autopilot approval is an exception to that requirement.

ANSWER: Ref. § 61.51(e)(1)(i) and (2); For the scenario you've asked about, the answer is no. Both pilots may not log PIC flight time simultaneously, unless the operation is permitted by § 61.51(e)(2).

For the scenario you've described, per § 61.51(e)(1)(i), only one pilot can log PIC flight 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 flight 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 flight 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 flight time" under § 61.51(e). In your scenario, the assigned PIC flight time would maintain his legal PIC status, as per §1.1, throughout the flight. However, for logging PIC flight time, as per § 61.51(e)(1)(i), a pilot may log PIC flight 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 “Normal T/Os & Ldgs, Crosswind T/Os & Ldgs, Perf. Maneuvers-Straight Turns, Chandelles, L8” or the flight instructor may merely contain a description “Commercial Pilot-ASEL – Area of Operation III, Tasks A and B; Area of Operation 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 flight 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 flight 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 were required, then in order to log the "hands-on-the-controls" time as PIC flight 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 flight 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 flight 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 flight 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 § 61.51 where it states that Both flight and ground training must be entered in a logbook. However, commercially produced pilot logbooks do not contain a column for ground training. Also, I have a copy of an e-mail message that states, in reference to ground training, "It can be logged on a pre-printed training record etc. etc." Guidance please.

ANSWER: Ref. § 61.51(a)(1) and (h)(2); I agree per § 61.51(h)(2), that it reads 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. It just has to be reasonable!

{Q&A-186}

QUESTION: 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: Ref. §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 reads 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: Here is the scenario: An Applicant holds Private Pilot Airplane Single Engine Land and Instrument Rating. He intends to obtain 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: Ref. § 61.129(b)(4); The preamble of the final rule correction document that 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 flight time under § 61.51(e)".

{Q&A-3}

QUESTION: If a commercial pilot with single-engine land rating were to add a multiengine class rating, he or she would do so under § 61.63(c). § 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 § 61.31(d)(2) could "serve" as PIC of a multiengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under § 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of § 61.31(d), could you log PIC flight time in a multiengine airplane under § 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: Ref. § 61.51(e): Let's not mix "to serve as pilot in command" vs. logging PIC flight time. § 61.51(e) is the rule that address logging PIC flight time.

Solo flight time in a multiengine airplane may be logged as PIC per § 61.51(e)(1)(ii) as amended May 26, 1998 by Amendment No. 61-104 as long as the appropriate training and endorsements required by § 61.31(d)(3) are met.

For the time while serving as PIC of a multiengine airplane while under the supervision of a flight instructor: From the preamble of the final rule for Amendment No. 61-104: "Reference § 61.129(b)(4) as adopted in the final rule for Amdt. No. 61-104, May 26, 1998, 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 flight time. As I have stated in the past the rules are different between "logging PIC flight 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 flight time."
{Q&A-137}

QUESTION: A commercial pilot with an airplane single-engine land rating is now seeking to add a helicopter rating onto his commercial pilot certificate. How can the applicant obtain and log the PIC flight time in a helicopter to show 35 hours of PIC flight time in helicopters as required per § 61.129(c)(2)(i)?

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

- a. Already hold a helicopter rating at the private pilot level. Then PIC flight 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: 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: Ref. § 61.51(e)(1)(i); No. You cannot log the time as PIC while his instructor is on board since you are not rated in the aircraft. § 61.31(d) deals with the requirements to “serve” as the pilot-in-command but does not authorize logging PIC. § 61.51 specifies proper pilot logbook entries. There has always been a difference between logging PIC flight time vs. acting/serving as PIC. Actually, § 61.31(d)(2) will be removed with the next Part 61 revision. § 61.31(d)(2) was written as a part of the original Notice of Proposed Rule Making (NPRM) in which the term “supervised PIC flight” was proposed. When this term was dropped with the revised NPRM in 1996, this subparagraph should have been removed but was overlooked.

{Q&A-146}

QUESTION: 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: Ref. § 61.51(b) and § 61.41(a)(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 a commercial pilot certificate.

{Q&A-122}

QUESTION: 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: Ref. § 61.51(e)(1)(i); It depends. Are you PIC qualified in that aircraft? If yes, then my answer is yes. As per § 61.51(e)(1)(i): “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated; or

{Q&A-122}

QUESTION: 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: Ref. § 61.51(e)(1)(i); No; You're not PIC qualified in a C-130. Per § 61.51(e)(1)(i): “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated; or

{Q&A-122}

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

ANSWER: Ref. § 61.51(f), 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.

{Q&A-122}

QUESTION: As a rated commercial ASEL pilot undergoing the flight training required to add an AMEL rating can I log PIC flight 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: Ref. § 61.51(e)(i); The 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 § 61.51(e)(1)(ii) as amended on May 26, 1998, by Amendment No. 61.104 as long as the appropriate training and endorsements required by § 61.31(d)(3) are met.

For the time while serving as PIC of a multiengine airplane while under the supervision of a flight instructor: from the preamble of the final rule for Amdt. No. 61-104; Reference § 61.129(b)(4) as adopted in the final rule for Amdt. No. 61-104, May 26, 1998, 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-122 }

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

ANSWER: Ref. § 61.51(e)(1)(i). The answer is yes that the person may log it as PIC flight time, provided that person “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated”

{ Q&A-120 }

QUESTION: What about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved Part 142 training center and a Part 61 CFII flight instructor 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: Ref. § 61.1(b)(12)(iii), Time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. Note, “pilot time”; Not “flight time” because “pilot time” and “flight time” are not the same.

But I notice a part of your question refers to “. . . giving his friend instruction at home in the kitchen” so I know you’re confused about a computer software program on a personal computer and that is not an aircraft, flight simulator, or flight training device. You must be talking about a un-approved PCATD (“personal computer aviation training device”). No, you may not log that time as “pilot time” or as “flight time.”

{ 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 log able safety pilot PIC flight time intact. Requirements remain being rated in category and class. You are allowed to log safety pilot PIC flight time because your eyes are required for aircraft safety and therefore you become a required crewmember. The pilot under the hood can also log PIC flight time as ‘sole’ manipulator of the controls.” § 61.51(f)(2) seems pretty clear about safety pilots logging SIC rather than PIC flight time. What does AOPA know that we don’t???

ANSWER: Ref. § 61.51(e)(1)(ii): Yes, the time can be logged as PIC. Per § 61.51(e)(1)(ii): The safety pilot, who meets the qualifications set forth in §91.109(b) may log it as PIC flight 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).

Per § 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 flight 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: Ref. § 61.51(e)(1)(iii); Yes, the safety pilot can log the time as PIC flight time in accordance with § 61.51(e)(1)(iii) which states “. . . regulations under which the flight is conducted”

{Q&A-88}

QUESTION This 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 Ref. § 61.51(e)(4); No, the student cannot log PIC flight time with his instructor on board.

{Q&A-23}

QUESTION: 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 flight 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: Ref. § 61.51(e)(4); The new rule applies. Solo time can be logged as PIC flight time.

{Q&A-8}

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

ANSWER: Ref. § 61.51(d) and § 61.51(e)(4); Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC flight time provided it meets the requirements of § 61.51(e)(4). It can be logged as both solo time and PIC flight 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' Part 61 he clearly would not meet the 100-hour PIC requirement, since he never held a private pilot certificate. Under the 'new' Part 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: Ref. § 61.51(d) and § 61.51(e)(4); As stated in a previous answer above [Q&A-74], § 61.51(e)(4) applies. Solo time can be logged as PIC flight 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 flight time?

ANSWER: Ref. § 61.51(e)(1)(i); No, but each may log 1.5 hours of PIC flight time for that time that pilot was the sole manipulator of the controls.

{ Q&A-31 }

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." [Emphasis added: "... 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 § 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 § 61.129(a). Among those requirements is 50 hours of PIC flight time [61.129(a)(2)(i)]. The Question: How does a person with a commercial rotorcraft log PIC time in an airplane? § 61.51 (e)(1)(i) only allows you to log PIC flight 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: Ref. § 61.51(e)(1)(ii); Yes, a person who is the sole occupant of the aircraft may log the time as PIC flight time, and yes that includes the PIC flight 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: Ref. § 61.51(e)(4)(i). Yes, a student pilot may log PIC flight 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 flight 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 flight time also.

{ Q&A-26 }

QUESTION: My most frequently asked question is now that student pilots may log PIC flight 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 flight time.

ANSWER: Ref. § 61.51(e)(4)(i); The answer is yes.

{ Q&A-62 }

QUESTION: What is the status of instrument flight time logged in a simulator in accordance with § 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: Ref. § 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: 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: Ref. § 61.51(e)(1)(i); Pilot A may log PIC flight time in accordance with 61.51(e)(1)(i) because you said he was the sole manipulator of the controls. Pilot B would have to agree to be the PIC in accordance with § 1.1 (Definition of pilot in command) because Pilot A is not current. However, Pilot B may not log the time as PIC flight time because § 61.51(e)(1) doesn't provide for it.

{Q&A-10}

§ 61.53 Prohibition on operations during medical deficiency

QUESTION: The situation is we have a pilot examiner in the Helena, MT FSDO area that lost his medical certificate due to injuries he sustained in an airplane accident. The letter he received from the Regional Flight Surgeon, ANM-300 prevents him from reapplying for a medical examination until September 2005. He is in his 7th month of a 2-year medical suspension hold. Now this examiner is dual qualified in Airplanes (ASEL, ASES, and AMEL ratings) and Gliders. And of course as you know, § 61.23(b)(1) allows a person who operates a glider to do so without a medical certificate. This person has stated that his own personal doctor claims he is recovered from the head injury that caused him to become unconscious when he hit his head during the accident. This person has self-evaluated himself and claims he is medically fit to fly. However, the letter he received from the Regional Flight Surgeon, ANM-300 prevents him from reapplying for a medical examination until September 2005. The question is, is it legal for a person who has been denied a medical examination to operate a glider under his pilot certificate or exercise pilot examiner duties in gliders?

ANSWER: Ref. § 61.53(b); and the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules NPRM; (60 FR 41198; August 11, 1995); and FAA Order 8710.3C, page 2-1, paragraph 3.A.(5); The rule [*i.e.*, § 61.53(b)] would not prevent him from exercising the privileges of his Glider rating even while he is under a 2-year medical suspension hold for operating an airplane. Therefore, he may exercise the privileges of his glider rating and also may act as an examiner in gliders.

Ref. Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules NPRM; (60 FR 41198; August 11, 1995); This is what was stated in the preamble on page 41198:

"... Under proposed paragraph (b), a pilot who chooses to exercise recreational pilot privileges or flight in a glider or balloon would not be required to obtain a medical certificate. The pilot, however, still would be required to self evaluate themselves on their current medical condition prior to exercising their pilot certificate privileges. As long as the pilot had no reason to believe that they were not medically fit for piloting, the pilot would be able to conduct these limited operations. As a result, a pilot who fails a medical exam given by an aviation medical examiner (AME) would be able to exercise their pilot certificate provided the pilot exercised recreational pilot privileges only or was piloting a glider or balloon operations. Pilots would be required to self evaluate themselves utilizing their judgment that they are medically fit to fly ..."

{Q&A-615}

QUESTION: 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: Ref. § 61.23 and § 61.53; No, an applicant no longer has to make this medical deficiency statement. On the new FAA Form 8710-1 application, block W has been deleted.
{Q&A-136}

§ 61.55 Second-in-command qualifications

QUESTION: In Q&A-529, you stated that the safety pilot who is serving as an SIC must hold an instrument rating. I believe an argument can be made that the safety pilot does not have to be instrument rated [*See* § 61.55(a)(2)], because of the explicit exception stated in § 61.55(d)(4) that states,

| (d) This section does not apply to a person who is:

| * * *

| (4) Designated as a safety pilot for purposes required by § 91.109(b) of this chapter.

For example: A person is serving as a safety pilot on a Cessna 172 (*as we know that airplane's type certificate only requires one pilot*). The other pilot who is the PIC holds an Instrument – Airplane rating. The flight is being conducted under IFR but in visual meteorological conditions (VMC). The safety pilot is in the right seat and is serving as the SIC. I believe, contrary to your FAQ 529, that the safety pilot does not have to be instrument rated, because of the explicit exception stated in § 61.55(d)(4) that exempts the safety from the instrument rating requirements of § 61.55(a)(2).

ANSWER: Ref. § 61.55(d)(4) and § 91.109(b)(1); As per § 61.55(d)(4), the rule does provide an exception to the SIC pilot qualification requirements of § 61.55(a)(2) for being required to hold an instrument rating. And per § 61.55(d)(4) the rule does state “(d) This section does not apply to a person who is: . . . (4) Designated as a safety pilot for purposes required by § 91.109(b) of this chapter.” Otherwise, if the safety pilot is acting/serving as an SIC [emphasis added: as an SIC], then the safety pilot would not need to hold an instrument rating for a flight that is being conducted under IFR. As per § 61.55(d)(4), a safety pilot is excepted from the entire provisions of § 61.55.

So, I agree with your assessment and I need to partially correct my answers on Q&A-377 and Q&A-529. When this Q&A gets issued, I will also have corrected Q&A-377 and Q&A-529, so all three Q&As are published simultaneously.

Now some may ask why would the FAA except a safety pilot from the SIC requirements of § 61.55. You have to keep in mind the only reason for a safety pilot is to prevent the aircraft from being flown into the ground or conflict with other aircraft while the other pilot is flying the aircraft with a view limiting device (hood). And the pilot qualification requirements for the safety pilot are already addressed in § 91.109(b)(1). Furthermore, the FAA reasoned that if it had not excepted pilots who serve as safety pilots from the SIC requirements of § 61.55 then the rule would have required safety pilots to complete SIC training and endorsements for every aircraft (e.g., Cessna 152, Piper PA28-140, Cessna 310, etc.; otherwise, single-piloted aircraft) where the person serves as a safety pilot.

However, it needs to be understood, that this policy determination of § 61.55(d)(4) only applies if the safety pilot is serving as the SIC. Not the PIC. If the safety pilot is serving as the PIC on an IFR flight or in weather conditions less than the minimums prescribed for VFR flight, then § 61.3(e) would apply which requires that a PIC hold the appropriate instrument rating. As per § 61.3(e), the rule states:

| (e) *Instrument rating*. No person may act as pilot in command of a civil aircraft under IFR or in weather conditions less than the minimums prescribed for VFR flight unless that person holds:

- | (1) The appropriate aircraft category, class, type (if required), and instrument rating on that person's pilot certificate for any airplane, helicopter, or powered-lift being flown;
- | (2) An airline transport pilot certificate with the appropriate aircraft category, class, and type rating (if required) for the aircraft being flown;

| * * * * *

{Q&A-632}

QUESTION: I've had a question regarding § 61.55 SIC Qualifications. § 61.55 requires that within the preceding 12 calendar months a SIC accomplish 3 takeoffs and landings. The second set of questions in the Part 61 FAQ file regarding who may conduct the training for the § 61.55 check and what documentation is required raised some interesting questions of their own. After a SIC qualifies on a type and operates as a SIC, he/she may log flight time as SIC and may log takeoffs and landings. Does the logging of a takeoff and landing count towards the required 3 takeoffs and landings in the preceding 12 calendar months (as day/night landing currency now works), or must the takeoffs and landings be accomplished on a training specific flight? If the former is correct, should the PIC endorse the logbook of the SIC each time a takeoff or landing is made to verify compliance with this section?

ANSWER: Ref. § 61.55(b)(2); The answer is yes, the logging of a takeoffs and landings can be counted towards the required 3 takeoffs and landings in the preceding 12 calendar months.

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)(2). 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.

{Q&A-469}

QUESTION: 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: 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.

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: Ref. § 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: Is any documentation required to document the SIC qualification time?

ANSWER: 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: 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 regs?

ANSWER: Ref. § 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 Flight review

QUESTION: Is it permissible to accomplish a phase of the Pilot Proficiency Awards Program [WINGS] [see Advisory Circular No. 61-91H] in an ultralight vehicle and then be able to act as a pilot in command of a Cessna 310 [or act as a pilot in command of a helicopter or a glider or balloon, etc.]

ANSWER: Ref. § 61.56(c)(1) and (e); No, it is not permissible to accomplish a phase of the WINGS Program in an ultralight vehicle for meeting the flight review requirements in an aircraft for § 61.56(c)(1). The Federal Aviation Regulations under § 61.56(c)(1), state, in pertinent part that "no person may act as pilot in command of an aircraft unless, . . . that person has--(1) Accomplished a flight review given **in an aircraft** for which that pilot is rated by an authorized instructor." (emphasis added). An ultralight is not an aircraft.

Even though Advisory Circular No. 61-91H provides for pilots of ultralight vehicles to participate in the WINGS program, the intent of § 61.56(e) and Advisory Circular No. 61-91H for persons who desire to act as pilot in command **of an aircraft** is to require the pilots to accomplish the WINGS program **in an aircraft**.

It is noted that Advisory Circular No. 61-91H does not specifically prohibit the substitution of an ultralight vehicle for an aircraft. But § 61.56(c)(1) clearly states that a person must accomplish a flight review "in an aircraft," and the rules are controlling over advisory material. We note that Advisory Circular No. 61-91H needs to be revised to clarify this matter.

{Q&A-584}

QUESTION: I have two questions concerning the flight review described in § 61.56. The flight review calls for at least an hour of ground review with an instructor, at least an hour of flight review with an instructor, and a logbook endorsement from the instructor who gave the review certifying its satisfactory completion. My first question is can one instructor conduct the ground portion of the review, and another instructor conduct the flight portion of the review? I believe the answer to be yes, given that a ground instructor is authorized to conduct ground portions of flight reviews. With that, my main question is how then should the flight review be endorsed? Are two endorsements, one for the flight portion and one from the ground portion, sufficient?

ANSWER: Ref. § 61.56(c)(2) and AC 61-65D; Endorsement 28; Yes, two instructors can be used to accomplish a flight review. There really isn't any specific rule that addresses your question. Nor has the FAA ever established a policy in FAA Order 8700.1 on your question. Examples of what the endorsements would look like are as follows:

The endorsement given by the first instructor who conducted the ground training.

I certify that (First name, MI, Last name), (pilot certificate), (certificate number), has satisfactorily completed a review of the current general operating and flight rules of Part 91 of this chapter for the flight review requirements of § 61.56(a)(1) on (date).

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

The endorsement given by the second instructor who conducted the flight training.

I certify that (First name, MI, Last name), (pilot certificate), (certificate number), has satisfactorily completed a review of the maneuvers and procedures for the flight review requirements of § 61.56(a)(2) on (date).

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

And the completion date of the flight review (for purposes of computing when the pilot must accomplish his/her next flight review) will be the month the pilot completed the review of the maneuvers and procedures in flight in the aircraft.

{Q&A-574}

QUESTION: The situation is a flight instructor has asked the question whether he can give a flight review in a tailwheel airplane and yet he has not previously met the additional training requirements for operating a tailwheel airplane [*i.e.*, § 61.31(i)].

ANSWER: Ref. § 61.1(b)(2); § 61.56(c)(1); No, a flight instructor cannot give a flight review in a tailwheel airplane unless he has complied with § 61.31(i). Per § 61.56(c)(1), it states, in pertinent part, "... by an authorized instructor" Per § 61.1(b)(2)(ii), it states, in pertinent part, "... in accordance with the privileges and limitations of his or her flight instructor certificate" The flight instructor would not be considered an "authorized instructor" for giving a flight review in a tailwheel airplane.

{Q&A-551}

QUESTION: Does an individual who is receiving Part 61 "SIC" training (aircraft requiring two pilots) at a FAR 142 training center (simulator only) get credit for a § 61.56 flight review at the completion of training? This individual is not typed in the aircraft that training is being conducted nor does he receive a check at the end of course (SIC's do not require a check under Part 61).

ANSWER: Ref § 61.56(c) and (d). Under Part 61, only a person seeking to act as pilot in command (PIC) is required to complete a flight review. Nevertheless, you ask whether an individual who is receiving second-in-command (SIC) training may receive credit for a § 61.56 flight review upon completion of SIC training. In order to obtain credit for a § 61.56 flight review, one must meet the requirements of § 61.56(c). Under these requirements, the pilot must accomplish the flight review in an aircraft for which the pilot is rated by an authorized instructor and the pilot must obtain a certification from an authorized instructor that the person satisfactorily completed the review. For the scenario you present, neither of these criteria are met, so the pilot does not meet the requirements of § 61.56(c).

A PIC that is required to meet the flight review requirements, however, may be excepted from the requirement if that person "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." See § 61.56(d). Under the facts of your question, these requirements were not accomplished; hence, the exception under § 61.56(d) does not apply.

And to clarify this answer, the pilot proficiency check must involve piloting skills; otherwise, a pilot proficiency check must involve evaluating the pilot as the sole manipulator of the controls [hands-on-the-controls] at the pilot certification level appropriate to the pilot certificate and rating held. And, the pilot proficiency check would have to meet at least the scope and content of § 61.56(a). Showing that you can copy clearances and change radios is not a pilot proficiency check for being able to meet the requirements of § 61.56(d).

In conclusion, the pilot in your question cannot obtain credit for a § 61.56 flight review.

QUESTION: Does an individual who is receiving Part 135 "SIC" training (aircraft requiring two pilots) at a Part 142 training center (simulator only) get credit for a § 61.56 flight review at the completion of training?. He does do a final check at the end of course. However, he is not type rated in the aircraft. All he is getting is SIC training and checking under a Part 135 training curriculum (flight simulator only). Does this individual get credit for a § 61.56 flight review?

ANSWER: Ref. § 61.56(c) and (d). Under this scenario, you state the pilot does complete a check at the end of the training course, but the pilot does not hold a type rating for the aircraft the training and end of course check is given. As stated above, in order to receive credit for a § 61.56 flight review, the pilot must accomplish a flight review in an aircraft for which the pilot is rated by an authorized instructor and the pilot must obtain a logbook endorsement from that authorized instructor that states the person satisfactorily completed the flight review. Because the pilot does not hold the type rating for the aircraft the end of course check was given in, then this would not meet the requirements of § 61.56(c).

As to applying the exception of paragraph (d) of § 61.56, it requires a person to have "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." Accomplishing SIC training is not the same, nor is it equivalent, to passing a pilot proficiency check for a pilot certificate, rating, or operating privilege. However, the requirements for SIC qualifications [see § 61.55] are considered training for an "operating privilege." So, if the final check at the end of the approved course had been in an aircraft type for which that pilot was rated (meaning held the appropriate aircraft type rating on his or her pilot certificate), and if the final check had been determined to be a pilot proficiency check that met at least the scope and content of § 61.56(a) and was conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force, then that pilot would have met the requirements of § 61.56(d).

Whether the pilot proficiency check is for PIC qualification or SIC qualification is irrelevant. The person just has to have "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." It does not have to be a Part 135 "PIC" pilot proficiency check. It can merely be a Part 135 "SIC" pilot proficiency check. And, to clarify this answer, a pilot proficiency check must have involved piloting skills; otherwise, a pilot proficiency check must have involved evaluating the pilot as the sole manipulator of the controls [hands-on the controls] at the pilot certification level appropriate to the pilot certificate and rating held [otherwise meaning the scope and content as that stated in § 61.56(a)]. A pilot proficiency check is not copying clearances and changing radios for meeting the requirements of § 61.56(d).

QUESTION: Does it make any difference whether the pilot passed a pilot competency check vs. a "pilot proficiency check."

ANSWER: Ref. § 61.56(d); Per § 61.56(d), in order to be relieved from accomplishing a flight review, it requires the pilot to have "passed a pilot proficiency check conducted by . . . approved check airmen . . . for a pilot certificate, rating, or operating privilege." Regardless whether the check is called a "pilot competency check" or a "pilot proficiency check," the check must involve piloting skills which means the check must involve an evaluation of the pilot as the sole manipulator of the controls [hands-on the controls] at the pilot certification level appropriate to the pilot certificate and ratings held. A pilot proficiency check is not copying clearances and changing radios. The phrase "pilot competency check" and the phrase "pilot proficiency check" are normally used interchangeably to mean the same thing. The definitions in 14 CFR Parts 1 and 61 do not differentiate between the phrase "pilot competency check" and the phrase "pilot proficiency check." The only definition is for the term "practical test" [see § 61.1(b)(13)]. But again, whatever the check is called (i.e., a "pilot competency check" or a "pilot proficiency check"), the check must involve piloting skills which means the check must involve an evaluation of the pilot as the sole manipulator of the controls [hands-on the controls] at the pilot certification level appropriate to the pilot certificate and rating held.

{Q&A-534}

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 Flight Review requirements are satisfied. However, if the LOA was obtained from a FSDO office based on a recommendation, then the Flight Review 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 U.S. Pilot certificate". Therefore, the restricted certificate must be issued under § 61.75 in order to comply with § 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 § 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 reads nothing regarding the compliance of Part 61 other than the chapter addresses meeting the requirement of § 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 § 61.56. § 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 § 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, AGC-240.
{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 (First name, MI, Last name), (pilot certificate), (certificate number), has satisfactorily completed a flight review of § 61.56(a) on (date). 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: 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: Ref. § 61.45(e)(2) and the 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 pilot 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.
{Q&A-295}

QUESTION: 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: 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 . . .”
{Q&A-295}

QUESTION: 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: Ref. § 61.56(c); The rule does not differentiate between “single/dual control requirements.”
{Q&A-295}

QUESTION: Does a pilot who meets the requirements of § 61.56(d) by taking an FAA check ride in an aircraft other than an R-22, still have to take a flight review 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: 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: 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: 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: 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 § 61.56 (Flight Review or equivalent).

ANSWER: Ref. § 61.56(c); Yes, the Flight Review applies to foreign pilots who are exercising their U.S. pilot certificate.

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

QUESTION: 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 Flight Review (even though the foreign inspector or instructor was not the holder of a US instructor or US examiner authorization)?

ANSWER: Ref. § 61.41(b); No, it is not acceptable for a foreign instructor to make the endorsement for a Flight Review [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 Flight Review. That has to be done by an appropriately rated U.S. certificated flight instructor.
{Q&A-248}

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

ANSWER: Ref. § 61.56(c); 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.

{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). § 61.31(d)(3) was specifically written to address this situation. § 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 (FR). Because § 61.51 now permits student pilots, under certain circumstances, to log PIC flight time, there has been some concern as to whether the FR 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 FR 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 Flight Review requirements of § 61.56(a) or does it have to be a Part 135 PIC proficiency check?

ANSWER: Ref. § 61.56(d); Per § 61.56(d), it reads “. . . 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 a 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 that 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? § 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 outlined 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: 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.” § 61.56 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: 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.

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

ANSWER: 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: Ref. § 61.56(b); Yes, performing a rope break at 200’ AGL would qualify as “. . . a flight to traffic pattern altitude”

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 a Flight Review be accomplished in a single place aircraft (i.e., ag airplane)?

ANSWER: Ref. § 61.56(a) and § 61.195(g)(2); No, a flight review cannot be accomplished in a single place aircraft. § 61.56(a) requires as a minimum 1 hour of flight training and 1 hour of ground training on a flight review. 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

§ 61.195(g)(2) states:

(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.

* * *

Thus, the flight review must be performed in at least a 2-place aircraft.

{Q&A-28}

§ 61.57 Recent flight experience: Pilot-in-command

QUESTION: According to § 91.109(b), a safety pilot must possess at least a private certificate with appropriate category and class ratings. Is it necessary for that safety pilot to be “current” in the aircraft (landings, etc.)? The requirements of § 61.55 specifically exempt safety pilots [See § 61.55(d)(4)], but where are the safety pilot criteria actually spelled out. § 61.57 refers to pilot-in-command requirements, but a safety pilot may not be the PIC? Further, has there ever been an interpretation that the safety pilot must be instrument rated for that type of VFR operation?

ANSWER: Ref. § 61.55(d)(4); § 61.3(e); § 61.23(a)(3)(i); § 61.57(a)(1); and § 91.109(b)(1); If the safety pilot is not acting/serving as the PIC (otherwise is serving as the SIC), then a safety pilot is only required to comply with § 91.109(b)(1) which requires that a safety pilot “. . . possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown.” And per § 61.23(a)(3)(i), a safety pilot must hold at least a third class medical certificate.

A safety pilot who is not serving as the PIC (otherwise is serving as the SIC) is not required to meet the PIC takeoff and landing currency requirements of § 61.57(a). The takeoff and landing currency requirements of § 61.57(a) are PIC requirements.

A safety pilot who is not serving as the PIC (otherwise is serving as the SIC) is not required to meet the instrument rating requirements of § 61.3(e). The instrument rating requirements of § 61.3(e) are PIC requirements.

A safety pilot who is not serving as the PIC (otherwise is serving as the SIC) is not required to meet the currency requirements of § 61.57. The currency requirements of § 61.57 are PIC requirements.
{Q&A-377a}

QUESTION: 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 will log PIC flight time 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: Ref. § 61.57(a)(1); The PIC must be takeoff and landing current and you said the safety pilot has agreed to act as the § 1.1 PIC, so that is the § 1.1 PIC for the flight in your scenario. The § 1.1 PIC must be takeoff and landing current.
{Q&A-377a}

QUESTION: Would it be permissible for me to do this in a Swiss registered aircraft (even though I don't hold a Swiss instrument rating, though I do hold a Swiss private pilot license) as long as the approaches were simulated IFR in VMC conditions?

ANSWER: Ref. § 61.57(c)(1); Yes, it was permissible and is permissible for you to have performed the instrument approaches in a Swiss registered airplane. Provided you performed the instrument approaches in the “. . . appropriate category of aircraft for the instrument privileges sought . . .” *Meaning*, if the instrument privileges sought was for the Airplane category and the instrument rating on your pilot certificate was Instrument - Airplane, then you must have performed the instrument approaches in an airplane. [See § 61.57(c)(1)]
{Q&A 563}

Correction: I made an error by leaving out the month and year of “November 2002” in the second paragraph of my answer.

Situation: I performed instrument approaches (1 each) on the following dates within the past 12 calendar months: 17 June 2002; 18 June 2002; 02 August 2002; 04 August 2002; 29 August 2002; and 30 August 2002.

Question: Is it correct, that considering the “calendar months,” I have until exactly June 30th, 2003 to perform 6 approaches, holding, tracking etc. as per 61.57, accompanied by a safety pilot, in order to avoid having to do an

instrument proficiency check, or do I only have until June 17, 2003 (the first of my last 6 approaches having been on June 17, 2002)?

Answer: Ref. § 61.57(d); Yes, your instrument currency before having to submit to an instrument proficiency check to regain your instrument privileges is good until 11:59:59pm on June 30, 2003. After 11:59:59pm on June 30, 2003, you'll need to submit to an instrument proficiency check.

The phrase "... within the prescribed time ..." in § 61.57(d) is in reference to the phrase "... within the preceding 6 calendar months ..." in § 61.57(c). The "... prescribed time ..." as it relates to your scenario, would mean the calendar months of June 2002, July 2002, August 2002, September 2002, October 2002, November 2002, December 2002, and to the end of June 2003 (ending at the beginning of midnight on July 1, 2003).

The phrase "... 6 calendar months after the prescribed time ..." in § 61.57(d) in reference to your scenario 1 would mean the calendar months of January 2003, February 2003, March 2003, April 2003, May 2003, and through to the end of June 2003 (ending at the beginning of midnight on July 1, 2003).

Simply put, for a person to remain instrument current to act as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR, the pilot must always be able to look back over the preceding 6 calendar months and show having performed/logged six instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems. If the person has not performed/logged these required instrument currency tasks, then the person has 6 additional calendar months "... after the prescribed time ..." to perform/log these instrument currency tasks, but the person cannot act as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR. After that time has expired, the person must undergo an instrument proficiency check to get instrument recurrent.

{Q&A-563a}

QUESTION: Regarding § 61.57(d), I hold both a CFII and an IGI. I understand that my CFII authorized me to conduct instrument proficiency checks and the IGI authorizes me to conduct instrument proficiency training. I am not currently IFR current. Can I use my CFII to conduct an instrument proficiency check in VMC using practice approaches (so I am not conducting IFR)? And does my CFII authorize me to conduct an instrument proficiency check in an authorized FTD if I am not instrument current?

ANSWER: Ref. § 61.57(d); If you're intending to serve as the pilot in command during the instrument proficiency check (*and in most cases the flight instructor is always considered to be the pilot in command on a flight where flight training/checking is being provided*) and you intend to file an IFR flight plan, regardless whether the flight is in VMC or IMC, you must be instrument current in accordance with § 61.57(c). As per § 61.57(c), "... no person may act as pilot in command under IFR or in weather conditions less than minimum prescribed for VFR, unless ..."

If you're not filing an IFR flight plan and the flight will be conducted under VFR in VMC, then you needn't be instrument current.

Therefore, yes you may exercise the privileges of your instrument rating on your flight instructor certificate to conduct an instrument proficiency check, provided your flight instructor certificate has not expired. Yes, you may exercise the privileges of your instrument rating on your flight instructor certificate to conduct an instrument proficiency check in a qualified and approved FTD, provided your flight instructor certificate has not expired.

{Q&A-559}

QUESTION: A pilot is type-rated on his pilot certificate for more than one aircraft that is certificated for more than one pilot flight crewmember. That pilot is employed by a company which operates solely under Part 91, operates only one make and model of turbojet airplane which is certificated for more than one pilot flight crewmember, and that pilot only flies that one make and model of turbojet airplane. May this pilot avail himself of the alternative means of night currency afforded by 14 CFR § 61.57(e)(3)?

The preamble to Amendment 61-106, April 30, 1999 (64 FR 83) seems to be relatively clear that the regulation is intended to relieve the burden of maintaining compliance with 14 CFR 61.57(b) night recency of experience for those operators of multiple types of aircraft that are certificated for more than one pilot flight crewmember.

Indeed, Amendment 61-106 in the *SUMMARY*, states in pertinent part:

*"A pilot who operates more than one type of airplane, certificated for more than one pilot flight crewmember, can meet the PIC night takeoff and landing recent flight experience requirements in one of the types of airplanes he/she operates. The pilot would then be considered qualified to perform night flights in the other types of airplanes he/she operates as PIC. In addition, this new alternative means of compliance establishes certain qualifications, aeronautical experience, and additional training. **This action is needed to accommodate pilots employed by corporate operators and airplane manufacturers who operate diverse fleets of airplanes that are type certificated for more than one pilot flight crewmember.**"* [Emphasis, mine]

This certainly implies that this rule is intended to apply only to operators of multiple types of airplanes, not the 'one make and model' operator.

Likewise, the section in Amendment 61-106 titled "*Good Cause for Immediate Adoption*" appears to affirm this concept where it states:

*"This alternative means of compliance is applicable only to those PICs **who fly two or more types of airplanes** that require more than one pilot flight crewmember by the airplane's type certificate."* [Emphasis, mine]

The section of Amendment 61-106 titled: *Alternative Means of Compliance* likewise states:

*In this final rule, a PIC who **operates** more than one type of an airplane, that is type certificated for more than one pilot flight crewmember, may meet the PIC night takeoff and landing recent flight experience requirements under the current requirements of Sec. 61.57(b) or under this alternative.* [Emphasis, mine]

It would appear the rationale in Amendment 61-106 makes it clear that in order to avail himself of the alternative means of compliance afforded by 14 CFR 61.57(e)(3), the PIC must not only be rated in, but must routinely fly more than one type of airplane that is type certificated for more than one pilot crewmember.

FAR Part 1 defines "Operate" as follows:

Operate, with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.13 of this chapter) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

Based on this definition, it appears that the intent of Amendment 61.106(e)(3) is that the pilot "...use aircraft, for the purpose of air navigation..." that is, actually fly different aircraft and not merely possess type ratings for such aircraft as a prerequisite for the use of alternative means provided by 61.57(e)(3).

Since the promulgation of this rule, there has been widespread misunderstanding of its intent. To this day, there are operators of single make and model turbojet equipment that believe that their PICs may avail themselves of the alternative means of compliance afforded by § 61.57(e)(3) and thusly maintain their night recency by this alternative means, regardless of whether the PIC holds a single type rating on his pilot certificate or multiple type ratings.

Conversely, there are operators who aver that their PICs must not only be type rated in, but must also be current in more than one type to avail themselves of the alternate means of compliance. This perspective would be in accord with the perceived intent of Amendment 61-106 and appears to be in accord with the Preamble quote at the top of this page.

ANSWER: Ref. § 61.57(e)(3); The alternative night takeoff and landing currency rule is based on the pilot in command **holding** two or more type ratings in airplanes that are type certificated for more than one pilot flight crewmember.

The FAA rulemaking team who authored § 61.57(e)(3) intended that the alternative night takeoff and landing currency rule be based on the pilot in command **holding** two or more type ratings in airplanes that are type certificated for more than one pilot flight crewmember.

This alternative night takeoff and landing currency rule is not based on the company operating two or more type rated airplanes that are certificated for more than one pilot flight crewmember. It is based upon the pilot in command **holding** two or more type ratings in airplanes that are type certificated for more than one pilot flight crewmember.

For purposes of applying § 61.57(e)(3), the FAA assumes that if a PIC holds two or more type ratings, the pilot "operates" these airplanes. We do not establish a frequency of operation or time period in which the airplane type rating was exercised in order to qualify for the alternative night takeoff and landing currency rule. It is sufficient if the PIC merely holds two or more type ratings in airplanes that are type certificated for more than one pilot flight crewmember.

This answer is consistent with previously answered Q&As. [see Q&A-292 under the § 61.57 Q&As].
{Q&A-557}

QUESTION: If a commercial pilot with an instrument rating is not IFR current under § 61.57(c), would the passing of a initial examination for a CFII rating with an examiner be considered a new instrument rating bringing the pilot back into IFR currency?

ANSWER: Ref. § 61.57(d)(2)(v); No, a practical test for a flight instructor certificate for an instrument instructor rating would not be considered an instrument practical test. The reason why is because the practical test for a flight instructor certificate for an instrument instructor rating would not cover the representative number of tasks required by the instrument rating practical test, as stated on page 15 of the Instrument Rating Practical Test Standards, FAA-S-8081-4C, for which the applicant would be required to demonstrate "hands on the controls" performing those tasks.

However, if during the course of the practical test for a flight instructor certificate for an instrument instructor rating the examiner made a separate evaluation of the applicant where the applicant was tested on those tasks, as stated on page 15 of the Instrument Rating Practical Test Standards, FAA-S-8081-4C, and the applicant demonstrated those tasks with "hands on the controls" performing those tasks then that would be acceptable and would be an instrument proficiency check.

{Q&A-549}

QUESTION: With reference to your answer in Q&A-538, you stated: "In § 61.57(b), "One hour after sunset to one hour before sunrise" is the qualification to be met in logging night takeoff and landing recency of experience qualification for being PIC when carrying passengers between an hour after sunset to an hour before sunrise."

Is it permissible for the a 90-day takeoff and landing currency for carrying passengers during daytime VFR conditions, one may actually continue to act as the PIC and carry passengers up until 1 hour after sunset, [i.e. to log 30 minutes of night flight whilst carrying passengers, based on having met the VFR daytime takeoff and landing currency, [i.e., that "day VFR" is to be interpreted as extending 30 minutes into the definition of night (ref. § 1.1). Is this correct?

ANSWER: Ref. § 61.57(b)(1); In order for a person to serve as the PIC of an aircraft with passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise, the person must have accomplished 3 takeoffs and 3 landings as the sole manipulator of the flight controls in the appropriate same category, class, and

type (if type rating is required) of aircraft during that period of time and it must have been accomplished within the preceding 90 days prior to the flight. Again, the night takeoff and landing experience is required to be performed during the period beginning 1 hour after sunset and ending 1 hour before sunrise. During the time period prior to 1 hour after sunset and the time period after 1 hour before sunrise, the pilot must have met either the takeoff and landing recency of experience of § 61.57(a) or the night takeoff and landing recency of experience of § 61.57(b) to act as a PIC of an aircraft carrying passengers.

{Q&A-548}

QUESTION: What is the time period for what constitutes the "... prescribed time ..." in § 61.57(d)? The contested issue in § 61.57(d) is not the first 6 months and being able to look back from the 7th month. Everyone is in agreement on that one. The contested issue is; however, is what constitutes the "... prescribed time ..." to which § 61.57(d) refers? The wording of § 61.57(d) is peculiar in that it states: "... a person who does not meet the instrument experience requirements of paragraph (c) of this section within the prescribed time, or within 6 calendar months after the prescribed time ..."

Scenario 1:

If an instrument rating or currency was attained during the month of January 2002, I believe the pilot may serve as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR through the last day of July of 2002 because the pilot accomplished the required instrument currency of § 61.57(c) within the preceding 6 calendar months.

Now as of midnight on August 1, 2002 (assuming no instrument flight experience has occurred), the pilot may not serve as PIC under IFR or in weather conditions less than the minimums prescribed for VFR. But, between August 1, 2002 and January 31, 2003 the pilot has the option of performing and logging the instrument currency requirements [see § 61.57(c)] with a safety pilot to attain instrument currency.

If the instrument currency of § 61.57(c) has not been accomplished "... within the prescribed time, or within 6 calendar months after the prescribed time ..." then the pilot must accomplish the instrument proficiency check of § 61.57(d). So in my Scenario 1, as of February 1, 2003, does the pilot have to accomplish a § 61.57(d) instrument proficiency check?

Scenario 2:

Pilot has no instrument activity the first 6 months after getting his instrument rating in January 2002. In July of 2002, the pilot performs 2 instrument approaches, some holding procedures, and intercepting and tracking courses through the use of navigation systems under a hood with a safety pilot. Now in August of 2002, the pilot does two more approaches, some holding procedures, and intercepting and tracking courses through the use of navigation systems, and the same in September 2002. Is the pilot § 61.57(c) instrument current again?

ANSWER: Ref. § 61.57(c) and (d); The phrase "... within the prescribed time ..." in § 61.57(d) is in reference to the phrase "... within the preceding 6 calendar months ..." in § 61.57(c). The "... prescribed time ..." as it relates to Scenario 1, would mean the months of January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, and to the end of July 2002 (ending at midnight on August 1, 2002).

The phrase "... 6 calendar months after the prescribed time ..." in § 61.57(d) in reference to Scenario 1 would mean the months of August 2002, September 2002, October 2002, November 2002, December 2002, and through to the end of January 2003 (ending at midnight on February 1, 2003).

Simply put, for a person to remain instrument current to act as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR, the pilot must always be able to look back over the preceding 6 calendar months and show having performed/logged six instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems. If the person has not performed/logged these required instrument

currency tasks, then the person has 6 additional calendar months “. . . after the prescribed time . . .” to perform/log these instrument currency tasks, but the person cannot act as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR. After that time has expired, the person must undergo an instrument proficiency check to get instrument recurrent.

A quick chart in understanding § 61.57(c) and (d) would be:

<u>Preceding Calendar Months</u>											
1	2	3	4	5	6	7	8	9	10	11	12
<u>Look back over the 6 preceding calendar months:</u> To maintain IFR Currency; 6 Apchs, Holding, & Intercepting/Tracking Courses						<u>Over the next 6 calendar months:</u> Not IFR Current; Until having logged/performed 6 Apchs, Holding, & Intercepting and Tracking Courses with a Safety Pilot.					
											<u>At the end of 12th calendar months:</u> Requires IPC

In reference to Scenario 1, at midnight on February 1, 2003, the pilot may only become instrument current again by accomplishing a § 61.57(d) instrument proficiency check. This statement is predicated on the fact that pilot has not logged/accomplished six instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems “. . . within the prescribed time . . .” [meaning the months of January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, and to the end of July 2002]. And the pilot has not logged/accomplished six instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems “. . . within 6 calendar months after the prescribed time . . .” [meaning the months of August 2002, September 2002, October 2002, November 2002, December 2002, and through to the end of January 2003 (ending at midnight on February 1, 2003)].

So, in scenario 1, the pilot became instrument current during the month of January 2002. The pilot has until and including July 31, 2002 to have met the instrument currency requirements of § 61.57(c). When the clock strikes midnight on August 1, 2002, the pilot may no longer act “. . . as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR . . .” However, the pilot has an additional “. . . 6 calendar months after the prescribed time . . .” where he/she can perform the instrument currency requirements of § 61.57(c) but not as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR. This “. . . 6 calendar months after the prescribed time . . .” ends after January 31, 2003. After January 31, 2003 [assuming the pilot has not met the instrument experience requirements of § 61.57(c)], the pilot would be required to accomplish a § 61.57(d) instrument proficiency check.

In your Scenario 2, you said the pilot performed and logged 2 instrument approaches, some holding procedures, and intercepting and tracking courses through the use of navigation systems in the month of July 2002. You said the pilot performed and logged 2 more instrument approaches in the month of August 2002. You said the pilot performed and logged 2 more instrument approaches in the month of September 2002. So in the month of September 2002, when the pilot performed the 2 instrument approaches, he/she had logged/performed at least six instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems within the preceding 6 calendar months. The pilot is now instrument current again as of the month of September 2002.

In reference to Scenario 2, the instrument re-currency cycle began again in July of 2002 when he/she performed and logged 2 instrument approaches, some holding procedures, and intercepting and tracking courses through the use of navigation systems. Which means in this Scenario 2 and for explaining this instrument currency cycle [as per § 61.57(c)] we'll say the pilot didn't perform any instrument experience after the month of September 2002. The pilot would still be instrument current in accordance with § 61.57(c) in the month of October 2002 (as you look back at the 6 preceding calendar months preceding the month of October 2002). The pilot would still be instrument current in accordance with § 61.57(c) in the month of November 2002 (as you look back at the 6 preceding calendar months preceding the month of November 2002). The pilot would still be instrument current in accordance with § 61.57(c) in the month of December 2002 (as you look back at the 6 preceding calendar months preceding the month of December 2002). The pilot would still be instrument current in accordance with § 61.57(c) in the month of January 2003 (as you look back at the 6 preceding calendar months preceding the month of January 2003). But beginning on February 1, 2003, looking back over the preceding 6 calendar months, the pilot can only show having performed/logged 2 instrument approaches in the month of August 2002 and 2 instrument approaches in the month of September 2002. The pilot may not serve as a PIC under IFR or in weather conditions less than the minimums prescribed for VFR as of February 1, 2003. The pilot now has 6 more calendar months to log/perform 6 instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems, but he/she cannot serve as PIC under IFR or in weather conditions less than the minimums prescribed for VFR until having logged/performed the required instrument experience of § 61.57(c)(1)(i)-(iii). If the pilot does not log/perform 6 instrument approaches, holding procedures, and intercepting and tracking courses through the use of navigation systems over the next 6 calendar months [February 2003, March 2003, April 2003, May 2003, June 2003, and to the end of July 2003], then as of August 1, 2003 the pilot must accomplish a § 61.57(d) instrument proficiency check to become instrument current again.
{Q&A-528}

QUESTION: A question has arisen about the "6 in 6" rule and the IPC as they relate to pilots out of currency for more than 6 months. Paragraph (d) says such pilots may not act as PIC under IFR until they get an IPC. However, the way it is worded, one might conclude that the pilot must also achieve the 6 approaches/intercept/track/hold criteria in paragraph (c) before he can be PIC under IFR -- that the IPC is a necessary but not sufficient criterion for returning to currency after more than 6 months out of currency. So, is a successful IPC sufficient for IFR currency regardless of the number of approaches completed in the last 6 months? Does this change if you are out of the 6-months-without-currency grace period?

ANSWER: Ref. § 61.57(d); An instrument proficiency check (IPC) conducted in accordance with the § 61.57(d)/Instrument Rating PTS meets all the requirements to "start the clock" over for remaining instrument rated current. Passing an IPC fulfills the requirement for currency.

Back in 1997-1998 it was questioned what was meant by § 61.57(d) in stating that passing IPC "... consisting of a representative number of tasks required by the instrument rating practical test . . ." was required. This question was answered by AFS-630 that write the PTS's. In the Instrument Rating Practical Test Standards, FAA-S-8081-4C a task table was added with "PC" as one of the columns in change #2, on page 15 of the introduction portion of the PTS. Conducting an IPC in accordance with this standard is a requirement now. When a pilot completes such an IPC of at least 3 approaches (Area of Operation VI) and in a multiengine airplane of at least one more approach (Area of Operation VII), the person will then be considered to be instrument rated current for that category of aircraft.
{Q&A-514}

QUESTION: May pilots count flight time performed in public aircraft operations towards recency of experience and aeronautical experience required by Part 61? This "public aircraft" does not hold an airworthiness certificate. This public aircraft operation does not involve a law enforcement flight activity being flown by a pilot of a Federal, State, County, or Municipality law enforcement agency. This operation does not involve a law enforcement activity [meaning in reference to Public Law 106-424, § 14] which states:

SECTION 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of Title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of Title 49, United States Code, if that aircraft is--

- (1) Identifiable by category and class; and
- (2) Used in law enforcement activities.

ANSWER: Ref. § 61.57 and FAA Order 8700.1, Volume 2, Chapter 1, pages 1-46 and 1-47, paragraph 9.B;

This question and my answer does not pertain to use of a "public aircraft" involved in a law enforcement flight activity and being flown by a pilot of a Federal, State, County, or Municipality law enforcement agency. For use of a "public aircraft" involved in a law enforcement flight activity and being flown by a pilot of a Federal, State, County, or Municipality law enforcement agency, I have answered that question previously in Q&A 254. This question and my answer is purely a "public aircraft" operation [meaning § 40102 of Title 49 of the United States Code] where the aircraft does not hold an airworthiness certificate. An example of this would be a former military aircraft given to the U.S. Department of Agriculture and the aircraft is being used to monitor crops, flooding, etc.

Therefore, a "public aircraft," that is not type certificated as an aircraft in a category listed in FAR 14 CFR § 61.5(b)(1) or as an experimental aircraft, or otherwise holds an airworthiness certificate, may not be used to meet any of the currency and aeronautical experience requirements of Part 61.

This is what FAA Order 8700.1, Volume 2, Chapter 1, pages 1-46 and 1-47, paragraph 9.B, states:

"B. Logging Time. Unless the vehicle is type certificated as an aircraft in a category listed in FAR 14 CFR § 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."

This is what Public Law 103-411 says:

"Public Law 103-411 only permits certain flights in "public aircraft" for the 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 permit a flight in a "public aircraft" if the flight involved training SWAT team personnel for the purpose of training these personnel for a law enforcement activity. The flight would be considered an authorized governmental function and would be acceptable under Public Law 103-411. And the pilot(s) who fly the "public aircraft" for this training session would be permitted to log the flight time, in accordance with Public Law 106-424, § 14. However, if a flight were for anything other than the flights described in items 1 through 4 above, then the flight would be considered to be a "civil aircraft operation." And in accordance with 14 CFR § 91.203(a)(1) for "civil aircraft operations" the aircraft would be required to have "An appropriate and current airworthiness certificate. . . ."

{Q&A-472}

QUESTION: 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: 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: What is the meaning of the words “. . . who operates . . .” in § 61.57(e)(3) where it 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: 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: 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: 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: 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: Ref. § 61.57(e)(3); Yes, this PIC is afforded the night takeoff and landing currency alternative of § 61.57(e)(3), because the Cessna 501's and the Cessna 551's type certification data sheet permit either a minimum crew of one pilot or two pilots.

QUESTION: 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: Ref. § 61.57(e)(3); Again the answer is yes. The Cessna 501's and the Cessna 551's type certification data sheet permit either a minimum crew of one pilot or two pilots.

QUESTION: 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: Ref. § 61.57(e)(3); Again the answer is yes. 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's and the Cessna 551's type certification data sheet permit either a minimum crew of one pilot or two pilots.

QUESTION: 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: 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: 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: 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: Is § 61.57(e)(3) meant to apply to Part 135 operators who operate more than one type of aircraft requiring a type rating?

§ 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: Ref § 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).

This answer has been coordinated with AFS-200.

QUESTION: Situation is a PIC operates and holds the following type ratings: CE-525S (*for single pilot authorization in the Cessna 525*) and a LR60 (*for the Lear 60*), is this pilot afforded the night takeoff and landing currency alternative of § 61.57(e)(3)?

ANSWER: Ref. § 61.57(e)(3); Yes, this PIC is afforded the night takeoff and landing currency alternative of § 61.57(e)(3). The Cessna 525's type certification data sheet permit either a minimum crew of one pilot or two pilots. Although the pilot's type rating is a "CE525S" pilot type rating, the Cessna 525 is type certificated for more than one pilot flight crewmember. The Cessna 525's type certificate states "One pilot (in the left pilot seat) plus additional equipment . . . OR one pilot and one copilot." This policy all applies to these other types of airplanes whose type certification data sheet permit a minimum crew of either one pilot or two pilots:

(1) Cessna 501; Type certification data sheet states: "*For all flights: one pilot plus equipment specified in the Airplane Flight Manual, or two pilots.*"

(2) Cessna 525; Type certification data sheet states: "*Minimum Crew for all Flights (see note 5 for cockpit equipment/arrangement restrictions): One pilot (in the left pilot seat) plus additional equipment as specified in the Kinds of Operations Equipment List (KOEL) contained in the Limitations Section of the FAA Approved Airplane Flight Manual or One pilot and one copilot*"

Note 5 states:

"Approval for operation with a minimum crew of one pilot is based upon the cockpit equipment installation and arrangement evaluated during FAA certification testing. No significant changes may be made to the installed cockpit equipment or arrangement (EFIS, autopilot, avionics, etc.), except as permitted by the approved MMEL, without prior approval from the responsible Aircraft Certification Office."

(3) Cessna 551; Type certification data sheet states "*For all flights: one pilot plus equipment specified in the Airplane Flight Manual, or two pilots.*"

(4) Beech 300 that are certificated under SFAR 41 and the airplane's type certificate authorizes the airplane to be flown with either a single pilot or two pilots;

(6) Beech 1900C and Beech 1900D that are certificated under SFAR 41 and the airplane's type certificate authorizes the airplane to be flown with either a single pilot or two pilots;

(7) Empresa Brasileira de Aeronautica EMB 110 that are certificated under SFAR 41 and the airplane's type certificate authorizes the airplane to be flown with either a single pilot or two pilots; Type certification data sheet states: "*Day VFR operations - (1) pilot*" or "*All other operations - See POH/AFM.*"

(8) Beech 2000; Type certification data sheet states: "*One pilot; or One pilot and one copilot See Note 6*"

Note 6 states:

"Airplane S/N's NC-4 through NC-22 must be modified by Beechcraft Kit P/N 122-3001 prior to operations with one pilot. Except where otherwise prescribed by the appropriate operating regulations:

(a) One pilot with a BE2000S type rating. Pilot must adhere to a single pilot equipment requirements contained in the Airplane Flight Manual Kinds of Operations Equipment List; or

(b) One pilot and one co-pilot. Pilot must have a BE-2000 or BE-2000S type rating."

(9) Fairchild Aircraft Corporation SA227-CC, SA227-DC, and other Fairchild commuter category airplanes on that same type certificate that have a passenger seating configuration, excluding pilot seats, of nine seats or less and the airplane's type certificate authorizes single pilot operations; Type certification data sheet states: *"One pilot except as otherwise required by the Airplane Flight Manual (See Note 9)."*

Note 9 states:

"Approval for single-pilot operation is based on the instrument/avionics arrangement shown by Fairchild Drawing 27-86081 or Drawing 27-88025 (C-26B). Any significant deviation from that arrangement must be evaluated for single pilot suitability."

{Q&A-292}

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: 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. § 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 § 61.51(e)(3) - an authorized instructor may log as PIC flight 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 § 61.193 (Flight Instructor Privileges) and § 61.195 (Flight Instructor Limitations). The only reference to a requirement for a CFII that I can find is in § 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: § 61.56, requires an endorsement for a flight review. How come an endorsement is not required for an instrument proficiency check per § 61.57? Just asking. Question was brought up at recent DPE meeting.

ANSWER: Ref. § 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: 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: Ref. § 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 that 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: Request guidance on the meaning/intent of the wording “. . . a representative number of tasks. . . .”

ANSWER: Ref. § 61.57(d): 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 that yes this pilot can operate safely in the national airspace system.

QUESTION: Can an personal computer aviation training device (PCATD) be used for the instrument proficiency check?

ANSWER: Ref. § 61.57(d)(1): No.
{Q&A-94}

QUESTION: In § 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 from 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: 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: What are the instrument recency requirements and are there hour requirements?

ANSWER: Ref. § 61.57(c); 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).
{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: Ref. § 61.57(d)(2)(iv), § 61.215((c)(1) and (2), and the definition of ground training in § 61.1(b)(8); 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. Yes, a IGI may give the training in FS or FTD, but cannot conduct the instrument proficiency check.
{Q&A-68}

§ 61.58 PIC proficiency check

QUESTION: I am currently captain on an ATR-42 registered in South Africa for cargo operation in West Africa. I hold an US ATP Certificate with the ATR-42 type rating. I am flying with a South African Validation based on my US ATP Certificate. I need to stay current with regard to the FAA. I think only the § 61.58 applies to me. In this case, I only need every 12 calendar months a § 61.58 PIC proficiency check in an aircraft that is certificated for more than one required pilot flight crewmember and a § 61.58 PIC proficiency check on the ATR-42 every 24 calendar months.

§ 61.58(d)(1) states that the § 61.58 PIC proficiency check must be conducted by a person authorized by the Administrator. Would it be acceptable to have the check done by the Chief Pilot (no FAA license) of the South African company?

ANSWER: Ref. § 61.58(d)(1); No, it is not acceptable for your § 61.58 PIC proficiency check to be conducted a foreign check pilot. The § 61.58 PIC proficiency check must be “. . . conducted by a person authorized by the Administrator . . .” Which means, in order to conduct § 61.58 PIC proficiency checks a person must have check airman or examiner authorization from the FAA.

And as for your statement that you believe only § 61.58 applies to you. That is not correct. For your US ATP Certificate to remain current, you have medical recertification requirements [*i.e.*, § 61.23(a)], takeoff and landing currency [*i.e.*, § 61.57(a) and (b)], instrument currency/re-qualification requirements [*i.e.*, § 61.57(d) or (e)], and flight review requirements [*i.e.*, § 61.56(c), except as provided by (d) through (f)].
{Q&A-598}

QUESTION: Can I complete a pilot-in-command proficiency check in a Level D simulator instead of in an aircraft if the check is not being accomplished in a flight simulator under part 142?

ANSWER: Ref. § 61.58(e); The answer is no, a person may not accomplish a § 61.58 PIC check PIC proficiency check in a Level D flight simulator that is not associated with a Part 142 approved training program. A § 61.58 PIC check PIC proficiency check that is being performed in a Level D flight simulator must be accomplished in accordance with a part 142 approved training program.

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.
{Q&A-590}

Subject: The following question has been raised about pilot performance of basic maneuvers for demonstrating proficiency in an aircraft that requires two pilots.

QUESTION: When performing steep turns, slow flight, and stalls during practical test / proficiency checks in a two pilot aircraft, should the co-pilot be allowed to set the power, advise the pilot on deviations from assigned altitude, and advise the pilot when within 10/20/30 degrees from roll-out heading.

ANSWER: Ref. § 61.43(a); The answer is no, the co-pilot is not permitted to set the power, advise the pilot on deviations from assigned altitude, and advise the pilot when within 10/20/30 degrees from roll-out heading during the conduct of a practical test/proficiency check.

During a practical test/proficiency check, all pilots being administered a practical test/proficiency check should be required to perform basic maneuvers unassisted as proof of competency to exercise the privileges of their certificate and/or rating. Although crew resource management is also a basic requirement, it is not intended to be used as a reason for not demonstrating mastery and performance of basic flight maneuvers.

Some believe that during a practical test/proficiency check in an aircraft certificated for a crew of two pilots, it is a co-pilot's function to assist the pilot in the performance of basic maneuvers as a part of crew resource management. Others believe that during a practical test/proficiency check, the pilot must demonstrate performance unassisted in the category and class of aircraft being checked.

§ 61.58 addresses pilot-in-command proficiency checks.

§ 61.58(d) states, in pertinent part, that a proficiency check can be accomplished by satisfactory completion of one of the following:

- “. . . maneuvers and procedures required for the type rating. . . .” [*see* § 61.58(d)(1)]
- “. . . practical test required for a type rating. . . .” [*see* § 61.58(d)(2)]
- “. . . initial or periodic practical test required for pilot examiner or check airman. . . .” [*see* § 61.58(d)(3)]

- “A military flight check. . .” [see § 61.58(d)(4)]

[Ref. ATP and Aircraft Type Rating PTS, FAA-S-8081-5C (page 13)] The evaluation of pilot performance hinges on the Practical Test Standards which states that “Satisfactory Performance” requires the applicant to safely perform the required TASKS. . .based on:

- “performing the TASKS specified in the AREAS of OPERATION. . .
- “demonstrating mastery of the aircraft with the successful outcome of each TASK performed never seriously in doubt”
- “demonstrating sound judgment and crew resource management . . .”

At a minimum, the pilot being checked must perform and demonstrate mastery of the aircraft unassisted during the conduct of basic aircraft maneuvers such as slow flight, steep turns, and stalls. Pilot in command proficiency checks conducted under the provisions of Part 121, 125, or 135 satisfy proficiency requirements through the provisions of § 61.58(c).

Answered by: Ruth Grasel, National Program Manager – Training Centers, AFS-840
{Q&A-562}

QUESTION: When administering a § 61.58 PIC proficiency check, the rule states that it will consist of the "maneuvers and procedures" required for a type rating. My understanding is that an oral or written examination is required, but some people say that it is not. Is an oral or written examination required to complete a § 61.58 PIC proficiency check?

ANSWER: Ref. § 61.58(a) and FAA Order 8700.1, Vol. 2, Chapter 10; Figure 10-1 [FAA Form 8410-1, “Airman Competency/Proficiency Check”] and FAA Order 8710.3C, Chapter 15, page 15-5, paragraph 5.F; A pilot in command of an aircraft that is type certificated for more than one required pilot flight crewmember is required to submit to an oral or written examination (or any combination of oral and written) on the aircraft’s equipment when undergoing a § 61.58 PIC proficiency check.
{Q&A-547}

INFORMATION: As a result of a determination made by the Certification Branch, AFS-840, with input from the FAA Office of Chief Counsel, this answer has been changed to AFS 840's interpretation of § 61.58 as it relates to the phrase “. . . of an aircraft that is type certificated for more than one required pilot flight crewmember . . .” in paragraph (a) of § 61.58. As a result of our interpretation, the answers in Q&A 211, 403, and 525 have changed. Essentially, our interpretation of the phrase “. . . of an aircraft that is type certificated for more than one required pilot flight crewmember . . .” in paragraph (a) of § 61.58 means that the aircraft’s type certification data sheet must state (or similar words to that effect):

“Minimum Crew for all flights: 2 persons (pilot and copilot)”

or

“Minimum Crew for All Flights: 2 (Pilot and Copilot)”

In the case of an aircraft like the Beech 2000, the aircraft’s type certification data sheet contains the statement
“Minimum Crew: One pilot; or One pilot and one copilot.”

Or, in the case of an aircraft like the Cessna 525, the aircraft’s type certification data sheet contains the statement
“Minimum Crew for all Flights (see note 5 for cockpit equipment/arrangement restrictions): One pilot (in the left pilot seat) plus additional equipment as specified in the Kinds of Operations Equipment List (KOEL) contained in the Limitations Section of the FAA Approved Airplane Flight Manual or one pilot and one copilot.”

QUESTION: This is a request for clarification of § 61.58 and how it applies to PIC pilot crewmembers with the

CE-525, CE-525S, or RA-390 type ratings, or pilots with a single pilot type rating in a Part 23 commuter category aircraft. Do these aircraft require the PIC pilot crewmember to undergo a § 61.58 PIC proficiency check?

§ 91.531(a)(3) operationally requires a pilot-in-command to have a qualified second-in-command. However, the pilot-in-command does not, by regulation, have to have a current § 61.58 PIC Proficiency Check because the aircraft is type certificated for one crewmember.

We believe that in the following four scenarios a checkride under § 61.58 is not required:

- Scenario #1

A pilot possessing a pilot certificate with a CE-525 (or a RA390) type rating with a qualified § 61.55 second-in-command.

- Scenario #2

A pilot possessing a pilot certificate with a Part 23 Commuter Category type rating with no limitations is flying a King Air 350 with a passenger seating configuration of more than nine seats, and is flying with a qualified § 61.55 second-in-command. [§ 91.531(a)(3)]

- Scenario #3

A pilot possessing a pilot certificate with a Part 23 Commuter Category Type rating with a self-induced "Second-In-Command Required" limitation and is flying with a qualified § 61.55 second-in-command. (§ 91.531(a)(3))

- Scenario #4

A pilot possessing a pilot certificate with a CE-525S (or RA390S) type rating experiences an equipment failure. This failure is addressed in the limitation section in the AFM and an approved M.E.L. requires the aircraft be operated with a qualified § 61.55 second-in-command.

The following points are pertinent to § 61.58 (bold is for emphasis):

- § 91.5 states in part "...an aircraft that is type certificated for more than one required pilot flight crewmember..." requires the pilot-in-command to satisfy the requirements of § 61.58.
- § 61.58 (a)(1) states in part "...complete a pilot-in-command proficiency check in an aircraft that is type certificated for more than one required pilot flight crewmember";
- CE-525 and RA-390 Airplane Flight Manuals limitations section states that certain equipment must be operational to operate the aircraft single pilot. If the aircraft M.E.L. permits flight without the equipment (i.e. autopilot) with a qualified § 61.55 second-in-command, where does it state that the pilot-in-command must be § 61.58 current and qualified.

There are some pilots using a Part 23 single pilot aircraft (CE-525) § 61.58 check as a 24-month review alternating with a Part 25 aircraft type certificated for more than one flight crewmember.

According to previously answered Q&As on the FAA's FAQ web site, an aircraft operationally requiring a current and qualified second-in-command and the aircraft is not type certificated for more than one required flight crewmember, the pilot-in-command would be subject to a § 61.58 pilot-in-command proficiency check. We are unable to find in the Federal Aviation Regulations where it is stated that a pilot-in-command with a single pilot type rating flying an aircraft type rated for single pilot operation is subject to § 61.58.

ANSWER: Ref. § 61.58(a) and § 91.5; Essentially, all your scenarios involve the requirements stated in § 91.5 [i.e., "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"]. As a result of AFS 840's interpretation of the phrase "... that is type certificated for more than one required pilot flight crewmember ..." in § 61.58(a) and § 91.5 means that the aircraft's type certification data sheet must state the "*Minimum Crew for all flights: 2 persons (pilot and copilot)*" (or words to that effect).

Scenario No. 1 Answer - In answer to your scenario #1 where you stated "A pilot possesses a pilot certificate with a CE-525 (or a RA390) type rating with a qualified § 61.55 second-in-command:"

Ref. § 61.58(a) and § 91.5; First of all, the Cessna 525 airplane is an anomaly when it comes to § 61.58(a) and § 91.5, and whether that airplane "... is type certificated for more than one required pilot flight crewmember ...". In the case of the Cessna 525, that airplane's type certification data sheet covers both the minimum pilot flightcrew of one pilot and the minimum pilot flight crew of a pilot and a copilot.

The Cessna 525 type certification data sheet states: "*Minimum Crew for all Flights (see note 5 for cockpit equipment/arrangement restrictions): One pilot (in the left pilot seat) plus additional equipment as specified in the Kinds of Operations Equipment List (KOEL) contained in the Limitations Section of the FAA Approved Airplane Flight Manual or one pilot and one copilot.*"

If the PIC holds the CE-525 type rating [emphasis added: the PIC does not hold the CE-525S type rating], then that is indicative (and is required by the Cessna 525's type certification data sheet) that the minimum pilot flightcrew would be a pilot and a copilot. And, in accordance with § 61.58(a) and § 91.5, the PIC will be required to have accomplished a § 61.58 PIC proficiency check and specifically in the Cessna 525 within the preceding 12 calendar months or 24 calendar months, as appropriate.

Now, If the PIC holds the CE-525S type rating [emphasis added: the PIC holds the CE-525S type rating], then that is indicative that the minimum pilot flightcrew may be one pilot flightcrew member and the PIC may not be required to comply with § 61.58(b). However, to qualify the answer, the Cessna 525's type certification data sheet contains the statement: "*(see note 5 for cockpit equipment/arrangement restrictions)*" so an equipment failure or lack of the equipment described in that Note 5 may require the PIC to undergo a § 61.58 PIC proficiency check. But if the Note 5 doesn't apply, then in accordance with § 61.58(a) and § 91.5, the PIC would not be required to accomplish a § 61.58 PIC proficiency check who holds the CE-525S type rating.

Note 5 states: "*NOTE 5. Approval for operation with a minimum crew of one pilot is based upon the cockpit equipment installation and arrangement evaluated during FAA certification testing. No significant changes may be made to the installed cockpit equipment or arrangement (EFIS, autopilot, avionics, etc.), except as permitted by the approved MMEL, without prior concurrence from the responsible Aircraft Certification Office.*"

Now in the case of the Raytheon 390, that airplane's type certification data sheet only states: "*Minimum Crew One pilot.*" Therefore, a PIC crewmember would not have to undergo a § 61.58 PIC proficiency check, because that airplane is not type certificated for more than one pilot flight crewmember. As per § 61.58(a), a PIC is required to accomplish a § 61.58 PIC proficiency check when an aircraft "... is type certificated for more than one required pilot flight crewmember ...". The Raytheon 390 is not type certificated for more than one required pilot flight crewmember.

Scenario No. 2 Answer - In answer to your scenario #2 where you stated "A pilot possesses a pilot certificate with a Part 23 Commuter Category type rating with no SIC limitations and is flying a King Air 350 with a passenger seating configuration of more than nine seats, and is flying with a qualified § 61.55 second-in-command. [§ 91.531(a)(3)]:"

Ref. § 61.58(a) and § 91.5; The PIC pilot crewmember would not have to undergo a § 61.58 PIC proficiency check in the King Air/Beechcraft 350 because the airplane's type certification data sheet states:

"Minimum Crew: One pilot"

As per § 61.58(a), a PIC is required to accomplish a § 61.58 PIC proficiency check when an aircraft "... is type certificated for more than one required pilot flight crewmember" The King Air/Beechcraft 350 is not type certificated for more than one required pilot flight crewmember.

Ref. § 91.531(a)(3); Now, as required by § 91.531(a)(3), an SIC pilot flightcrew member would be required to be designated for the flight.

Scenario No. 3 Answer - In answer to your scenario #3 where you stated "A pilot possesses a pilot certificate with a Part 23 Commuter Category Type rating with a self-induced "Second-In-Command Required" limitation and is flying with a qualified § 61.55 second-in-command. [§ 91.531(a)(3)]:"

Ref. § 61.58(a) and § 91.5; The PIC pilot crewmember would not have to undergo a § 61.58 PIC proficiency check because the second-in-command is required only by a limitation on the pilot's certificate, not because the airplane is type certificated for more than one pilot flightcrew members. The requirement for the PIC to undergo a § 61.58 PIC proficiency check is predicated on whether the aircraft's type certification data sheet contains the statement "Minimum Crew for All Flights: 2 (Pilot and Copilot)" (or words to that effect).

Scenario No. 4 Answer - In answer to your scenario #4 where you stated "A pilot possesses a pilot certificate with a CE-525S (or a RA390) type rating experiences an equipment failure. This failure is addressed in the limitation section in the AFM and an approved M.E.L. requires the aircraft be operated with a qualified § 61.55 second-in-command:"

Ref. § 61.58(a) and § 91.5; The PIC pilot flightcrew member on the Cessna 525 would be required to undergo a § 61.58 PIC proficiency check when there has been an equipment failure of the kind noted in Cessna 525's type certification data sheet where it states "see Note 5 for cockpit equipment/arrangement restrictions" Note 5 states:

"NOTE 5. Approval for operation with a minimum crew of one pilot is based upon the cockpit equipment installation and arrangement evaluated during FAA certification testing. No significant changes may be made to the installed cockpit equipment or arrangement (EFIS, autopilot, avionics, etc.), except as permitted by the approved MMEL, without prior concurrence from the responsible Aircraft Certification Office."

The Cessna 525 type certification data sheet states: "*Minimum Crew for all Flights (see note 5 for cockpit equipment/arrangement restrictions): One pilot (in the left pilot seat) plus additional equipment as specified in the Kinds of Operations Equipment List (KOEL) contained in the Limitations Section of the FAA Approved Airplane Flight Manual or one pilot and one copilot.*"

The PIC who holds the RA390 type rating would not have to undergo a § 61.58 PIC proficiency check when there has been an equipment failure, because the Raytheon 390 type certification data sheet only states:
"*Minimum Crew: One pilot.*"

{Q&A-533}

QUESTION: My question involves § 91.531 (a)(3) and § 61.58. The King Air 350 is certificated under Part 23 as a single pilot aircraft. If the Beechcraft 350 is equipped with eleven passenger seats does the requirements of § 91.531(a)(3) apply? If yes, does the Pilot in Command have to meet the § 61.58 PIC qualification requirements?

Since the Beechcraft 350 is not type certificated for more than one crew member, would the "Second in Command" limitation on the pilot's type rating require that pilot to have a § 61.58 PIC check? Even if the aircraft had nine or less passenger seats?

ANSWER: Ref. § 61.58(a) and § 91.5 and § 91.531(a)(3); The PIC pilot crewmember would not have to undergo a § 61.58 PIC proficiency check in the King Air/Beechcraft 350. The reason that would require the PIC to undergo a § 61.58 Pilot-in-command proficiency check is whether the aircraft's type certification data sheet contains the

statement "*Minimum Crew for All Flights: 2 (Pilot and Copilot)*" (or words to that effect). The King Air/Beechcraft 350 type certification data sheet does not contain the statement "*Minimum Crew for All Flights: 2 (Pilot and Copilot)*" (or words to that effect).

The King Air/Beechcraft 350 type certification data sheet states: "*Minimum Crew One pilot*".

As a result of a determination made by the Certification Branch, AFS-840, with input by the FAA's Office of Chief Counsel, AGC-240, this answer has been changed to reflect AFS 840's interpretation of § 61.58 as it relates to the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58. As a result of our interpretation, the answers in previous Q&As on this subject (i.e., Q&A 211, 403, and 533) have also been changed. Essentially, our interpretation of the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58 means that the aircraft's type certification data sheet must state:

"Minimum Crew for all flights: 2 persons (pilot and copilot)" (or similar words to that effect)

or

"Minimum Crew for All Flights: 2 (Pilot and Copilot)" (or similar words to that effect)

Ref. § 91.531(a)(3); In answer to your question whether the requirements of § 91.531(a)(3) would apply to a Beechcraft 350 that is equipped with eleven passenger seats, the answer is yes § 91.531(a)(3) would apply. The certification basis for the Beechcraft 350 [per the type certification data sheet No. A24CE] is SFAR 41C which makes it a commuter category airplane. A Beechcraft 350 that is equipped with eleven passenger seats would require the designation of a SIC.
{Q&A-525}

Q&A-403: As a result of a determination made between the FAA's Office of Chief Counsel, AGC-240, and the Certification Branch, AFS-840, this answer has been changed to reflect the FAA's Office of Chief Counsel, AGC-240, legal interpretation of the § 61.58 as it relates to the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58. As a result of that legal interpretation, the answers in previous Q&As on this subject (i.e., Q&A 211, 403, 525, and 533) have also had to be changed. Essentially, the legal interpretation of the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58 means that the aircraft's type certification data sheet must state:

"Minimum Crew for all flights: 2 persons (pilot and copilot)" (or similar words to that effect)

or

"Minimum Crew for All Flights: 2 (Pilot and Copilot)" (or similar words to that effect)

QUESTION: 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 Beech 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) and § 91.5; The PIC pilot crewmember would not have to undergo a § 61.58 PIC proficiency check in the Beech 1900. The reason that would require the PIC to undergo a § 61.58 Pilot-in-command proficiency check is whether the aircraft's type certification data sheet contains the statement "*Minimum Crew for All Flights: 2 (Pilot and Copilot)*" (or words to that effect). The Beech 1900 type certification data sheet does not contain the statement "*Minimum Crew for All Flights: 2 (Pilot and Copilot)*" (or words to that effect).

The Beech 1900 type certification data sheet states: "*Minimum Crew One pilot*"
{Q&A-403}

Q&A 211: As a result of a determination made by the Certification Branch, AFS-840, with input by the FAA's Office of Chief Counsel, AGC-240, this answer has been clarified (and changed in some instances) to reflect AFS-840's interpretation of § 61.58 as it relates to the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58. As a result of our interpretation, the answers in previous Q&As on this subject (i.e., Q&A 211, 403, 525, and 533) have also had to be changed. Essentially, our interpretation of the phrase "... of an aircraft that is type certificated for more than one required pilot flight crewmember ..." in paragraph (a) of § 61.58 means that the aircraft's type certification data sheet must state:

"Minimum Crew for all flights: 2 persons (pilot and copilot)" (or similar words to that effect)

or

"Minimum Crew for All Flights: 2 (Pilot and Copilot)" (or similar words to that effect)

{Q&A-211}

QUESTION: 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: Ref. § 61.58(a), and § 91.5, and § 91.531(a)(2); The answer is yes, the PIC would be required to have accomplished a § 61.58 PIC proficiency check. The requirement for whether the PIC is required to meet the § 61.58 PIC proficiency check is predicated on the aircraft's type certification data sheet and whether that airplane "... is type certificated for more than one required pilot flight crewmember ...". Per § 61.58(b), it states, in pertinent part, "... to serve as pilot in command of an aircraft that is type certificated for more than one required pilot flight crewmember ...". Because the Cessna 525's type certification data sheet covers both the minimum pilot flightcrew of one pilot and the minimum pilot flight crew of a pilot and a copilot and because the PIC holds the CE-525 type rating [emphasis added: the PIC does not hold the CE-525S type rating], then that is indicative (and is required by the Cessna 525's type certification data sheet) that the minimum pilot flightcrew would be a pilot and a copilot. Therefore, in accordance with § 61.58(a) and § 91.5, the PIC will be required to have accomplished a § 61.58 PIC proficiency check and specifically in the Cessna 525 within the preceding 12 calendar months or 24 calendar months, as appropriate.

The Cessna 525 airplane is an anomaly when it comes to § 61.58(a) and § 91.5, and whether that airplane "... is type certificated for more than one required pilot flight crewmember ...". In the case of the Cessna 525, that airplane's type certification data sheet covers both the minimum pilot flightcrew of one pilot and the minimum pilot flight crew of a pilot and a copilot.

Ref. § 61.55(b) and § 91.531(a)(2); The answer is yes, the copilot would have to meet the § 61.55 SIC qualification requirements in order to serve as the SIC. The requirement for whether the second in command is required to meet the § 61.55 SIC qualification requirements is predicated on whether the aircraft's type certification data sheet or the operating rules in which the flight is being conducted under requires it. Per § 61.55(b), it states, in pertinent part, "... of an aircraft type certificated for more than one required pilot flight crewmember or in operations requiring a second in command ...". Because the Cessna 525's type certification data sheet covers both the minimum pilot flightcrew of one pilot and the minimum pilot flight crew of a pilot and a copilot and the PIC holds the CE-525 type rating, that is indicative (and is required by the Cessna 525's type certification data sheet) that the minimum pilot flightcrew would be a pilot and a copilot. Therefore, in accordance with § 61.55(b), the SIC is required to have accomplished the § 61.55 SIC qualification requirements in the Cessna 525.

The Cessna 525 type certification data sheet states: *"Minimum Crew for all Flights (see note 5 for cockpit equipment/arrangement restrictions): One pilot (in the left pilot seat) plus additional equipment as specified in the*

Kinds of Operations Equipment List (KOEL) contained in the Limitations Section of the FAA Approved Airplane Flight Manual or one pilot and one copilot."

QUESTION: The question arises does the pilot who gets his/her CE-525S type rating for single pilot qualification then meet the § 61.58 requirement for having accomplished a proficiency check in accordance with § 61.58(d)(2)?

ANSWER: Ref. § 61.58(d)(2); No, the CE-525S type rating practical test for single pilot qualification would not meet the § 61.58 requirement for having accomplished a proficiency check in accordance with § 61.58(d)(2).
{Q&A-211}

QUESTION: Additionally, if a pilot completes a 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: Ref. § 61.58(a); First of all, I've never heard of a § 61.58 recurrent course as a single pilot. § 61.58 pertains to a PIC proficiency check in an aircraft "... that is type certificated for more than one required pilot flight crewmember . . ." [see § 61.58(a)]. But for clarification and as an example, I am assuming your question is about a Cessna 500 (or a similar make and model of airplane that permits single pilot operations under a grant of exemption) where the pilot satisfactorily completes a single pilot proficiency check under Cessna Aircraft Company's grant of exemption (e.g., Cessna's current grant of exemption is Exemption No. 4050L).

A person who completes a single pilot recurrent training course, as required by a single pilot approved recurrent training course issued under a grant of exemption, would not qualify for the § 61.58(a) PIC proficiency check.
{Q&A-211}

QUESTION: You ask whether § 61.58 requires a pilot-in-command (PIC) proficiency check in order for the pilot to serve as pilot in command of an aircraft that is type certificated for more than one required crewmember. The Bell Helicopter Model 214ST type certification requires two pilots for Instrument Flight Rules (IFR) operations but only one pilot for Visual Flight Rules (VFR) operations. You ask whether a pilot needs a current pilot-in-command proficiency check prior to serving as PIC if the helicopter is flown VFR.

ANSWER: Ref. § 61.58; Request for Opinion - Federal Aviation Regulation (FAR) 61.58

This is in response to your request to Timothy C. Titus, Regional Counsel Federal Aviation Administration Alaskan Region, for a legal interpretation of § 61.58.

You state that § 61.58 requires a pilot-in-command (PIC) proficiency check in order for the pilot to serve as pilot in command of an aircraft that is type certificated for more than one required crewmember. The Bell Helicopter Model 214ST type certification requires two pilots for Instrument Flight Rules (IFR) operations but only one pilot for Visual Flight Rules (VFR) operations. You ask whether a pilot needs a current pilot-in-command proficiency check prior to serving as PIC if the helicopter is flown VFR.

For operations conducted under Part 91, a pilot need not have a pilot-in-command proficiency check in accordance with § 61.58 prior to operating as PIC of a Bell Helicopter Model 214ST as long as the helicopter is operated under VFR. If the helicopter is operated under IFR, a situation in which the type certificate specifies that two pilots are required, then the PIC must have a PIC proficiency check in accordance with § 61.58. If the operation is conducted under Parts 121, 125, or 135, the PIC must have an appropriate current proficiency check in accordance with, and as required by, those parts prior to being assigned as PIC.

This is because the type certificate data sheet for that model helicopter specifies that the minimum crew for VFR operations is one helicopter pilot. Although § 61.58 is applicable to aircraft type certificated for more than one

required flight crewmember, two helicopter pilots are required by the type certificate for the Bell Helicopter Model 214 ST only for IFR operations. Also, I note that § 61.58 is not applicable to persons conducting operations under Part 121, 125, or 135 of the regulations or persons maintaining continuing qualification under an Advanced Qualification Program approved under SFAR 58.

I trust that this answers your questions. If you have further questions, please contact me.

Sincerely,

Timothy C. Titus
Regional Counsel
{Q&A-507}

QUESTION: I'd like to request your guidance about § 61.58 PIC checks. I believe that § 61.58 check is just that..."a check." No training, under Part 61, is allowed during the check. I know that § 121.441 allows a check airman to discontinue a check, do training, then begin the check anew. But I can't find anything in Part 61 that allows this. It seems that some inspectors think that, if approved by the TCPM, a Part 142 training center can conduct progressive checks. Is this permissible to do a progressive check if the check is being conducted in accordance with an approved program under Part 142? Do you have any background information on progressive checks; i.e. history, prohibitions, etc.?

ANSWER: Ref. § 61.58(d) and (e); There is nothing stated in § 61.58 that prohibit the allowing of a progressive check for the § 61.58 PIC proficiency check.

There is nothing stated in FAA Order 8700.1, Vol. 2, Chapter 10, page 10-4, paragraph 5.H.(1) and Chapter 142, page 148-15, paragraph 45 that prohibit the allowing of a progressive check for the § 61.58 PIC proficiency check.

There is nothing stated in the Airline Transport Pilot and Aircraft Type Rating PTS for Airplane that prohibit the allowing of a progressive check for the § 61.58 PIC proficiency check.

Legally, the FAA has established a precedent by its approval of Exemption No. 5317 and in several other grants of exemptions to training center operators over the years where it states in each these grants of exemption:

"Condition 14c allows the § 61.58 proficiency check to be performed in a series of flights, both in simulators and in aircraft, provided the maneuvers and procedures are observed by a pilot proficiency examiner in accordance with the FAA-approved training program."

"c. The Section 61.58 check may be conducted as a "progressive" check provided:"

"(1) All procedures and maneuvers are observed by a pilot proficiency examiner, and"

"(2) The applicant may be observed and evaluated during a series of simulator and aircraft flights in accordance with the FAA-approved training program."

So by legal precedent, the FAA has permitted a progressive check for the § 61.58 PIC proficiency checks.

But for the examiners who administer the § 61.58 PIC proficiency checks and who may be conducting a progressive check, per the Airline Transport Pilot and Aircraft Type Rating PTS for Airplane, FAA-S-8081-5D, page 5, the paragraph identified as "Use of the Practical Test Standards," it states "... It is of utmost importance that the examiner accurately evaluate the applicant's ability to perform safely as a pilot in the National Airspace System ..."

Furthermore, on page 13 in the paragraph identified as "Satisfactory Performance" in the Airline Transport Pilot and Aircraft Type Rating PTS for Airplane, FAA-S-8081-5D, it states:

Satisfactory Performance

The ability of an applicant to safely perform the required TASKS is based on:

1. performing the TASKS specified in the AREAS OF OPERATION for the certificate or rating sought within the approved standards;
2. demonstrating mastery of the aircraft with the successful outcome of each TASK performed never seriously in doubt;
3. demonstrating satisfactory proficiency and competency within the approved standards and single-pilot competence if the aircraft is type certificated for single-pilot operations.
4. demonstrating sound judgment and crew resource management.

What this means is, the examiner must explain to the instructor and the applicant prior to the start of the § 61.58 PIC proficiency check, that there shall be a clear and definite separation for when training is permitted by the instructor and when testing is being conducted by the examiner. Otherwise, when the applicant is performing a maneuver for the purpose of "... demonstrating satisfactory proficiency and competency within the approved standards ..." no training will be permitted to be given.

{Q&A-506}

QUESTION: (During recurrent training) do air carrier clients need to comply with the requirements of § 61.58 (§ 61.58 really means, conduct a type check using the PTS - the PTS says you must conduct a GPS approach if the equipment is installed in the simulator and/or aircraft) if the operator does not have GPS authorized in their operation specifications?

ANSWER: Ref. § 61.58(b) and (c); A person whose part 121 check is up to date need not accomplish a § 61.58 PIC check for that particular type of aircraft. This answer also applies to persons conducting operations under part 125, 133, 135, or 137 of this chapter, or persons maintaining continuing qualification under an Advanced Qualification Program approved under SFAR 58.

{Q&A-441}

QUESTION: I have situation where a pilot holds an ATP certificate, ASEL, ASES, AMEL, and AMES ratings, and a DC-2 type rating, but the pilot is not § 61.58 PIC current in the DC-2 airplane. To practice for the § 61.58 PIC proficiency check, is it legal for the pilot to be the PIC? Meaning can the pilot perform practice (training) with a lapsed § 61.58 PIC proficiency qualification to prepare for the § 61.58 PIC proficiency check? Or must the pilot obtain a temporary letter of authorization from the FAA to act as the PIC in order to practice for the § 61.58 PIC proficiency check? Or must the pilot have a PIC aboard who is § 61.58 PIC qualified in the DC-2 while he is practicing for the § 61.58 PIC proficiency check?

ANSWER: Ref. § 61.58(f); The pilot is permitted to practice for the § 61.58 PIC proficiency check with a lapsed § 61.58 PIC proficiency qualification. That is what paragraph (f) of § 61.58 provides for, which states, "... a person may act as pilot in command of a flight under day VFR conditions or day IFR conditions if no person or property is carried, other than as necessary to demonstrate compliance with this part."

So in answer to your specific questions:

QUESTION: "To practice for the § 61.58 PIC proficiency check, is it legal for the pilot to be the PIC? Meaning can the pilot perform practice (training) with a lapsed § 61.58 PIC proficiency qualification to prepare for the § 61.58 PIC proficiency check?"

ANSWER: Ref. § 61.58(f); The PIC can practice with a lapsed § 61.58 PIC proficiency qualification in accordance with the provisions of § 61.58(f). Because per § 61.31(a)(1) and (d)(1) the pilot does hold a type rating for the

DC-2 airplane and pilot does hold the appropriate category, class, and type rating. You said the pilot holds the AMEL rating and the DC-2 type rating. Your situation is, the pilot is not § 61.58 PIC current in the DC-2, but the pilot does hold a DC-2 type rating and the AMEL rating, so the pilot is in compliance with the requirements of § 61.31(a)(1) and (d)(1).

QUESTION: "Or must the pilot obtain a temporary letter of authorization from the FAA to act as the PIC in order to practice for the § 61.58 PIC proficiency check?"

ANSWER: Ref. § 61.58(f); The pilot does not need a temporary letter of authorization. Per § 61.31(a)(1) and (d)(1) the pilot is PIC qualified in the DC-2, but not § 61.58 PIC current in the DC-2 airplane. As long as the pilot complies with § 61.58(f), is practicing for the § 61.58 PIC proficiency check in the DC-2, that is legal. And no temporary letter of authorization is required.

QUESTION: "Or must the pilot have a PIC aboard who is § 61.58 PIC qualified in the DC-2 while he is practicing for the § 61.58 PIC proficiency check?"

ANSWER: Ref. § 61.58(f); The pilot must have the required minimum pilot crewmember to operate the DC-2 airplane to conduct the flight, but in accordance with § 61.31(a)(1) and (d)(1) the pilot is PIC qualified provided the purpose of the flight is in accordance with § 61.58(f). Meaning the purpose of the flight is to practice for the § 61.58 PIC proficiency check. And per § 61.58(f), the flight is "... under day VFR conditions or day IFR conditions if no person or property is carried, other than as necessary to demonstrate compliance with this part."

Now as a matter of reasonableness and common sense, the pilot who has not operated a certain type of airplane for some time (i.e., is not current/proficient) may (emphasis added MAY) want to bring along somebody who is current and proficient! But that is individual pilot decision, because each pilot must evaluate himself/herself as to their competency and proficiency to act as a PIC.

{Q&A-431}

QUESTION: We have two Sikorsky SK76B helicopters that are single pilot equipped and certified. The aircraft flight manual states for the required minimum flight crew requirements on page 1, section I, Operating Limitations, page I-9 states "Instrument Flight Rules – 2 pilots."

The aircraft flight manual supplement for the Honeywell SPZ-7000 Digital Control System (STC No. SH3200NM) which is fitted in both Sikorsky S76B helicopters states under Part 1, Section 1 "Minimum Flight Crew: VFR or IFR – One pilot in right hand seat."

Therefore, the basic S76B helicopter requires a minimum crew of 2 pilots for IFR and the Honeywell SPZ-7000 Digital Control System supplement in the AFM amends the basic certification to allow single pilot operations (providing all of the Honeywell SPZ-7000 Digital Control System is operational and working).

If a piece of equipment of the Honeywell SPZ-7000 Digital Control System becomes inoperative (and is appropriately deactivated and placarded I.A.W. § 91.213 or the appropriate M.E.L.), but does not render the helicopter unusable for a "2-pilot IFR" operation, the PIC would thereafter require a § 61.58 PIC check and an additionally appropriately rated, certified, and IFR current copilot to thereafter initiate flight into "2-pilot IFR" under the basis 2-pilot IFR operation AFM requirements.

ANSWER: Ref. § 61.58(a); Technically, if the Honeywell SPZ-7000 Digital Control System (STC No. SH3200NM) fails and is inoperative, the Sikorsky S76B helicopter reverts back to the requirement for a minimum flightcrew of 2 pilots for IFR operations or the aircraft is authorized for VFR operations only with a single pilot. And thus for IFR operations (*emphasis added IFR operations*), the PIC would be required to be current in accordance with § 61.58. Or the PIC would be restricted to VFR operations only and therefore would not need to be § 61.58 current.

The M.E.L. for the Sikorsky S76B helicopter requires two pilots for IFR operations, and also the Sikorsky S76B helicopter's type certificate requires two pilots for IFR operations unless the helicopter is equipped with the appropriate autopilot system [i.e., Honeywell SPZ-7000 Digital Control System (STC No. SH3200NM)].

Per the M.E.L. for the Sikorsky S76B helicopter, it states that if an item of equipment on the Honeywell SPZ-7000 Digital Control System (STC No. SH3200NM) fails:

- 2) Digital (DAFCS) SPZ-7000: May be inoperative for:
 - a) VFR operations
 - or
 - b) Two pilot IFR operations when Autopilot 2 is operative

{Q&A-430}

QUESTION: I understand that if an individual is serving as PIC in two different types of aircraft that require type ratings (both jets) he must satisfy the requirement of the PIC check for each aircraft in alternating years, fulfilling the 24 month requirement. So, if you took a 61.58 proficiency check in a DA-20 in April, 1999 and a DA-50 § 61.58 proficiency check in April 2000, that person would be qualified as PIC in the DA-20 through the end of April 2001.

I also understand that if the check is performed within 30 days after the month it was due that the "anniversary date" for the check remains unchanged. Does that mean that in the above example the individual would be qualified to act as PIC in the DA-20 in May, 2001 provided they completed a 61.58 check by the end of May 2001 (30 day period)? Is it true that the time acting as PIC in a DA-20 in May 2001 would also be legal if the § 61.58 check had intended to be taken in May 2001, but was not, due to sickness, equipment problems, etc.?

What would be the crewmembers status to act as a required crewmember (PIC or SIC) in May, 2001 (30 day "extension period") if he was not scheduled to take a 61.58 check until June 2001, for whatever reason? (after the 30 days) when would their next § 61.58 check be due in that aircraft?

ANSWER: Ref. § 61.58(g); A pilot's § 61.58 PIC proficiency check remains current for 1 calendar month after the month the check was due. Therefore, in your scenario the pilot's § 61.58 PIC proficiency check was due during the month of April. The pilot has until May 31 to accomplish the § 61.58 PIC proficiency check and during the month of May his § 61.58 PIC proficiency check remains current for both the DA-20 and DA-50. The purpose for the issuance of paragraph (g) in § 61.58 was to give a pilot a 30-day grace period either side of the "due date month" for accomplishing the § 61.58 PIC proficiency check.

And yes, I fully understand the essence of your question where you stated the pilot last completed a § 61.58 PIC proficiency check in the DA-20 in April of 1999. You are saying that if the pilot doesn't get around to accomplishing the § 61.58 PIC proficiency check in the DA-20 until May 31, 2001, that means the pilot last completed a § 61.58 PIC proficiency check in that airplane 25 months ago. But, my answer is still the same, the pilot has until May 31 to accomplish § 61.58 PIC proficiency check and during the month of May his § 61.58 PIC proficiency check remains current for both the DA-20 and DA-50.

{Q&A-422}

QUESTION: 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: 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: 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: 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: 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. § 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 is 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: 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, corporate 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.

§ 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: 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: 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. §§ 61.58 & 61.31(b); Yes, the pilot needs to accomplish a § 61.58 PIC proficiency check. And 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 a Flight Standardization Board on a newly manufactured aircraft before it receives its initial type designator certification.
{Q&A-260}

QUESTION: 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: 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 verbiage 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 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.
{Q&A-211}

QUESTION: 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: 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.
{Q&A-211}

QUESTION: 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: 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: Ref. § 61.58(d)(3); 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).

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 Falsification, reproduction or alteration

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 § 61.59(a)(4) (14 CFR § 61.59(a)(4)). Specifically, you ask whether the lamination of a certificate issued by the FAA would be considered an alteration.

§ 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 § 61.59(a)(4).

I hope this satisfactorily answers your question.

Answered by: Donald P. Byrne, Assistant Chief Counsel, Regulation Division
{Q&A-369}

§ 61.60 Change of address

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: Why is the wording in § 61.35(a)(2)(iv) worded "(iv) *Actual residential address, if different from the applicant's mailing address,*"

but § 61.29(d)(2) is worded "(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 § 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: Ref. § 61.35(a)(2)(iv); We will need to 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 Additional aircraft ratings (other than ATP level)

QUESTION: Here is the situation: A person holds a Private Pilot Certificate Airplane Single Engine Land. The person is receiving training for an additional aircraft category rating [*i.e.*, glider category rating] at the private pilot certification level. The flight instructor claims that he is not required to cover the pre-solo requirements for glider listed in 14 CFR § 61.87(i) prior to allowing this person to solo, because the applicant is not a "student pilot". His argument is that he is only required to cover the requirements listed in 14 CFR § 61.107(b)(6) prior to solo.

ANSWER: Ref. § 61.63(b)(1), § 61.107(b)(6), and § 61.109(f); The person need not receive the pre-solo flight training for a student pilot. As you stated, this person is a holder of a Private Pilot Certificate Airplane Single Engine Land. The person is not a student pilot.

So, as per § 61.63(b)(1), the person is only required to 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 the "... the required training ..." of § 61.107(b)(6) and "... the aeronautical experience prescribed ..." in § 61.109(f).

{Q&A-588}

Subject: Removing a Center Thrust Limitation

Background: The following question was raised regarding the training of a military pilot who had a center thrust limitation on his certificate and determining if the pilot is required to complete SOE time. The pilot situation of this question is as follows:

The pilot received his Commercial Pilot Certificate on the basis of military experience (*i.e.*, § 61.73): Commercial Pilot Certificate with an Airplane Multiengine Land - Limited to Center Thrust

The person's military flight experience was in Cessna C-337 Piston and the F-4 McDonnell-Douglas Phantom [a U.S. Air Force multiengine turbojet powered airplane]. The F-4 and the Cessna 337 do not have a published VMC speed.

Pilot received 22 hours of flight simulator time in the Falcon 50-900EX level D simulator.

QUESTION: Does this pilot qualify for issuance of the DA-50 type rating without the supervised operating experience limitation?

ANSWER: Ref. § 61.63(e)(4)(ii)(A) and FAA Order 8700.1, Vol 2, Chapter 150, page 150-2, Para. 3.A(3)(c); The answer is predicated on the basis that we will assume that the Part 142 training center's DA-50 type rating course was approved correctly, the Part 142 training center enrolled the pilot properly, and the pilot completed that segment of training on Vmc. If all these assumptions are in affirmative, then the pilot qualifies for the DA-50 type rating without being issued the supervised operating experience limitation. The basis for this answer is per § 61.63(e)(4)(i) and (ii)(A).

The rationale for this answer is that § 61.63(e)(4) addresses using a flight simulator or FTD for an additional rating to complete all of the training and testing in a simulator without limitations. § 61.63(e)(4)(i) provides for completion of “. . . all training and testing (except preflight inspection) for an additional airplane rating without limitations when using a flight simulator-(i) The flight simulator must be qualified and approved as . . . Level D; and” Furthermore, § 61.63(e)(4)(ii)(A) provides for the “. . . applicant must meet at least one of the following: (A) . . . or have been appointed by a military service as a pilot in command of an airplane of the same class of airplane for which the type rating is sought, if a type rating in a turbojet in a turbojet airplane is sought.” Yes, the F-4 McDonnell-Douglas Phantom is an airplane category rating, multiengine land class rating, and is a turbojet powered airplane

§ 61.63(e)(6) addresses the S.O.E. limitations as it applies to § 61.63(e)(5). However, the pilot qualifies for the DA-50 type rating without the S.O.E. limitation on the basis of § 61.63(e)(4)(ii)(A).

Part 142 Interpretation:

Pre-requisites are required in each approved training course. One of those pre-requisites is that the applicant has no limitations for centerline thrust on their certificate. If the trainee has a limitation of that type, the training center must add a segment of training to the individual's training program that will make the individual competent in those areas. Therefore, one could assume that this individual got that training and met the performance standards in order to graduate from that approved course of training.

Ref. FAA Order 8700.1, Vol 2, Chapter 150, page 150-2, Para. 3.A(3)(c) on approving part 142 training courses:

"(c). State clearly the student pre-requisites for entry into the curriculum. The recordkeeping should show determination of meeting the pre-requisites and document that pre-requisites were met. One common mistake is overlooking the applicants need for an unlimited multiengine class rating before attempting to enroll in a 100% simulator course for a type rating that does not include a supplemental segment or module(s) to address that rating."

2. As indicated in the previous paragraph, this is a common error that occurs in approving curriculums. Therefore, you might want to verify that your example pilot was enrolled in the appropriate training that would have provided that segment of training that would allow the removal of the centerline thrust limitation.

Therefore, we have assumed that the Part 142 training center's DA-50 type rating course was properly approved, the Part 142 training center enrolled the pilot properly, and the pilot completed that training on Vmc. If all these assumptions are correct, then pilot qualifies for the DA-50 type rating without being issued the supervised operating experience limitation on the basis of having met the eligibility requirements of § 61.63(e)(4)(i) and (ii)(A).

Answered by: Ruth Grasel, AFS-840, National Program Manager-Training Centers
[Q&A-555]

QUESTION: Is it permissible for a person to "dry-lease" a flight simulator with his flight instructor to receive training for a CE-500 type rating? The training will be performed at a Part 142 training center but not under that Part 142 training center's approved training program. The training in the flight simulator is intended to comply with required training of § 61.157(b)(1) [or § 61.63(d)(3)], as appropriate.

ANSWER: Ref. § 61.157(g)(2) [or § 61.63(e)(3)]; The answer is no, a person may not "dry lease" a flight simulator with his flight instructor outside of an approved Part 142 training program. Per § 61.157(g)(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." And per § 61.63(e)(3), "the use of a flight simulator or flight training device permitted by paragraph (e)(2) of this section shall be conducted in accordance with an approved course at a training center certificated under part 142 of this chapter."

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QUESTION: Reference § 61.157(g)(2) [or § 61.63(e)(3)], those rules seem to prohibit a person from "dry leasing" a flight simulator outside of an approved Part 142 training program, then what is the intent of § 142.1(b)(3) where it states "certification under this part is not required for training that is-(3) Conducted under part 61 unless that part

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requires certification under this part . . .”? It seems that language in § 142.1(b)(3) means a person is able to “dry lease” a flight simulator with his flight instructor outside of an approved Part 142 training program.

ANSWER: Ref. § 61.157(g)(2) [or § 61.63(e)(3)]; Both § 61.157(g)(2) and § 61.63(e)(3) state that a 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.” Meaning, the training must be conducted under an approved Part 142 training program.

However, as for example, § 61.129(i)(1)(i) permits the use of a flight simulator with an authorized instructor for 50 hours of credit outside of an approved Part 142 training program for meeting the aeronautical experience requirements for commercial pilot certification for an airplane or powered lift rating. Section 61.129(i)(1)(i) is an example of what is intended under § 142.1(b)(3). Another example is § 61.109(i)(1) where it would be permissible to dry lease a flight simulator with an authorized instructor for 2.5 hours of credit outside of an approved Part 142 training program for meeting the aeronautical experience requirements for private pilot certification for the airplane or powered lift rating. Another example of what is intended under § 142.1(b)(3) is § 61.65(e)(2) for meeting the aeronautical experience requirements for the instrument rating.
{Q&A-542}

QUESTION: The supervised operating experience limitation listed in § 61.63(e)(7) and in § 61.157(g)(5) states “This certificate is subject to pilot-in-command limitations for the additional rating.” The question is how would one determine which aircraft that supervised operating experience limitation applies to when a person may hold multiple aircraft type ratings? How should the supervised operating experience limitation be stated on the pilot certificate? How would the required amount of supervised operating experience be shown (i.e., 15 hours of supervised operating experience)?

As for example, a person holds CE-500, LR-45, and G-159 type ratings. The person’s pilot certificate contains the supervised operating experience limitation that requires supervised operating experience for the CE-500 and the LR-45 type ratings. The supervised operating experience limitation does not apply to the G-159 type rating. How should the supervised operating experience limitation be stated on the pilot certificate to show the supervised operating experience limitation applies to the CE-500 and the LR-45 type ratings and not the G-159 type rating? How would the required amount of supervised operating experience be shown for the CE-500 and the LR-45 type ratings (i.e., 15 hours of supervised operating experience)?

ANSWER: Ref. § 61.63(e)(7) or § 61.157(g)(5); The supervised operating experience limitation shall state:

This certificate is subject to pilot-in-command limitations for CE-500 and LR-45.

When the person has logged the required supervised operating experience in either the Cessna 500 or the Learjet 45, the supervised operating experience limitation may be removed from both the CE-500 and LR-45 type ratings. That means the pilot is required to accomplish all the required supervised operating experience in one of the types of turbojet airplane ratings held. That means the person cannot do 5 hours of supervised operating experience in the Cessna 500 and then do the remaining required 10 hours of supervised operating experience in the Learjet 45. The required supervised operating experience must all be performed in one of the types of turbojet airplane type ratings held and cannot be performed combining the time flown in the two types to equal up to 15 hours of supervised operating experience. That is way the rule is written [see §§ 61.63(e)(8)(ii) or (e)(12)(ii) or § 61.157(g)(6)(ii) or (g)(9)(ii), as appropriate]. The required supervised operating experience must all be performed in one of the turbojet airplane types that the supervised operating experience limitation applies and then that removes the supervised operating experience limitation on the other turbojet airplane type ratings held.

The required amount of supervised operating experience (i.e., 15 hours of supervised operating experience) is so noted in the applicant’s logbook and signed by the examiner/training center evaluator who administers the practical test. The required amount of supervised operating experience (i.e., 15 hours of supervised operating experience) is not listed on the pilot certificate.

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A recommended required logbook entry for establishing the required amount of supervised operating experience would be:

In accordance with § 61.157(g)(6)(ii), Jon D. Smalls' ATP certificate No. 555553637 for the CE-500 type rating is subject to 15 hours of required supervised operating experience as pilot in command under the supervision of a qualified and current pilot in command, and in the seat normally occupied by the pilot in command in a Cessna 500. S/S [date] J.J. Jones, WP-SDL FSDO No. 07

{Q&A-530}

QUESTION: Another question, a person goes through FlightSafety's CE-500 type rating course and accomplishes the entire practical test in a flight simulator and receives a limitation for supervised operating experience.

The person does not fly the required supervised operating experience in the Cessna 500. The person's pilot certificate shows the supervised operating experience limitation for the CE-500 type rating. Next, the person goes through FlightSafety's CE-650 type rating course and again accomplishes all the training and testing in a flight simulator. The person claims he/she qualifies for the 100% practical test in the Cessna 650 under 14 CFR § 61.157(g)(3) without the supervised operating experience limitation because he/she holds "... a type rating for a turbojet airplane of the same class of airplane for which the type rating is sought ..." by holding the CE-500 type rating on his/her ATP certificate [see § 61.157(g)(3)(ii)(A)].

The question is, does the applicant actually qualify to take another 100% practical test in a flight simulator for the CE-650 type rating and then be eligible to receive a clean CE-650 type rating (meaning without any supervised operating experience limitations)?

ANSWER: Ref. §§ 61.63(e)(4)(ii)(A) or 61.157(g)(3)(ii)(A). The answer is no, this applicant is not eligible to receive a clean CE-650 type rating (meaning without the supervised operating experience limitation).

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 § 61.157(g)(3)(ii) [or in subparagraph (A) in § 61.63(e)(4)(ii), as appropriate] requires that the type rating to be a clean CE-500 type rating (meaning without a S.O.E limitation). The applicant would not qualify under § 61.157(g)(3)(ii)(A) [or under § 61.63(e)(4)(ii)(A), as appropriate] to take a 100% practical test in a flight simulator for the CE-650 type rating without receiving the appropriate supervised operating experience limitation on his/her CE-650 type rating.

{Q&A-530}

QUESTION: § 61.63(b)(5) states "... (5) Need not take an additional knowledge test, provided the applicant holds an airplane, rotorcraft, powered-lift, or airship rating at that pilot certificate level ..." if the person holds a pilot certificate for power to power "... at that pilot certificate level ..." If an individual holds a commercial pilot certificate and wants to add an additional aircraft rating at the private pilot certification level, is a knowledge test required? If not, how does that answer the question about "... at that pilot certificate level ..." in § 61.63(b)(5)?

ANSWER: Ref. § 61.63(b)(5); If the person holds an airplane, rotorcraft, powered-lift, or airship rating and is applying for an additional aircraft rating (i.e., airplane, rotorcraft, powered-lift, or airship rating) at a lower pilot certification level, then the person needn't take an additional knowledge test. I agree the wording of § 61.63(b)(5) should have probably been written like "... at that pilot certificate level or at a lower pilot certification level ..." But I know in the past (see Q&A 99), when AFS-840 has been asked this question, the answer has been that an applicant who holds an aircraft rating in a powered aircraft (meaning, airplane, rotorcraft, powered-lift, or airship rating) at a higher pilot certification level is not required to take another knowledge test for addition of an aircraft rating at the same pilot certification level or at a lower pilot certification level.

{Q&A-527}

QUESTION: I have a DPE who is seeking to add a commercial Airship rating to his ATP with an existing commercial lighter-than-air rating and in § 61.63 (c) (4) it appears that if you already hold a lighter than air category you are penalized by having to meet all the training time requirements.

The paragraph reads” 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-

This appears to say that if you do not hold the balloon class rating you do not have to meet the training, but if you do hold the balloon rating certificate you do have to complete all the training. I think the last part should have read “unless the person holds (only) a lighter-than-air category rating.....

ANSWER: Ref. § 61.63(c)(4); What is really intended by § 61.63(c)(4) [i.e., the phrase “. . . unless the person holds a lighter-than-air category rating with a balloon class rating and is seeking an airship class rating;”] is the rule is preventing an applicant who only (emphasis added ONLY) holds a LTA-Balloon rating from applying for an airship class rating without meeting the specified training time requirements prescribed by this part that apply to the pilot certificate and airship class rating. So for example, if the applicant only holds LTA-Balloon rating on his/her private pilot certificate and is seeking to apply for a LTA-Airship rating at the private pilot certification level, that applicant MUST accomplish all of the aeronautical experience as specified in § 61.109(g). However, if the applicant holds a Private Pilot Certificate-ASEL and is seeking an AMEL rating at the private pilot certification level, then as per § 61.63(c)(4) that person “ Need not meet the specified solo or dual training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought.” Otherwise, the instructor trains the applicant to pass the practical test and there is no specific solo or dual time requirements in the multiengine airplane for the AMEL rating.
{Q&A-436}

QUESTION: I have a person who holds a Commercial Pilot Certificate with a CE-500 type rating with the following limitation “This certificate is subject to pilot-in-command limitations for the additional rating” per § 61.63(e)(8) for 25 hours of supervised operating experience. The person does not want to take the time to accomplish the 25 hours of supervised operating experience and now wants to take a full 100% practical test in the actual airplane. Previously, he took a practical test in a flight simulator through an approved course at a Part 142 training center. The instances of this have been rare but it has happened. While the reasons for this are probably not salient to this discussion, I will mention that this has usually occurred because of new aircraft delivery date fluctuations verses flight simulator course available dates.

Specifically, can this person take a practical test in the actual airplane (CE-500) to get the limitation removed or must he accomplish the 25 hours of supervised operating experience?

ANSWER: Ref. § 61.63(e)(12)(ii) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(9)(ii)]; The person must accomplish “. . . 25 hours of supervised operating experience as pilot in command under the supervision of a qualified and current pilot in command, in the seat normally occupied by the pilot in command, in an airplane of the same type for which the limitation applies . . .” to get the limitation removed as per § 61.63(e)(12)(ii) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(9)(ii)]. That is the only way the limitation may be removed. The rule does not provide for the person to now merely take a practical test in accordance with the procedures set forth in § 61.63(d)(5) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(b)(3)] to remove the limitation.

The rationale for Part 142 and the 25 hours of supervised operating experience (or the 15 hours of supervised operating experience, as appropriate) was that the FAA would approve training and testing to be performed in a flight simulator/flight training device, in lieu of the actual aircraft, for persons with specified amounts of aeronautical experience and qualifications. However, the rule requires there be additional supervised operating experience applied to the rating. Even prior to the adoption of Part 142, the FAA applied these same requirements through grants of exemption. The rule, nor the FAA, never intended to allow the “picking-and-choosing” of how to train and test when using flight simulators/flight training devices.

{Q&A-416}

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.

ANSWER: Ref. §§ 61.63(e)(4)(ii)(A) and 61.157(g)(3)(ii)(A). 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. 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).
{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 applying for an additional aircraft category rating (i.e., ASEL) at the commercial pilot certification level and an additional Instrument – Airplane rating to his Commercial Pilot Certificate.

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). Please review the Aeronautical Checklist for the required aeronautical experience for applying for an additional aircraft category rating (i.e., ASEL) the commercial pilot certification level and an additional Instrument – Airplane rating [See "Aeronautical Experience Check List" at <<http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>>]
{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: 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?"

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. However, appropriate tasks for multiengine performance from the applicable PTS [Commercial PTS per this situation] not tested in the type rating practical test must be included. This is per item #3 of "Practical Test Prerequisites: Aircraft Type Rating" on page 7 of the ATP & Aircraft Type Rating Practical Test Standards, FAA-S-8081-5D.
{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); An applicant may obtain a type rating limited to "VFR only" provided the aircraft is not capable of instrument maneuvers and procedures.

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. § 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].

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}

I would appreciate your thoughts on the following conclusions that I have drawn regarding the conduct of training and checking in FTD/Simulators.

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 requirement § 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: 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 instructor determined the amount of training and kind of training 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: Ref. § 61.63(c)(4); 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. § 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}

QUESTION: Adding class rating - When is a § 61.31(d)(2) endorsement 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: 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: Ref. § 61.31(d)(3); 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. (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

NOTE: The endorsement does not have to read exactly like this. This is merely an example.
{Q&A-188}

QUESTION: 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: Ref. § 61.31(d)(3); 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. § 61.87 is the solo endorsement for student pilot operations only. § 61.87 has nothing to do with applicants seeking additional aircraft category and class ratings. This applicant holds a Commercial Pilot Certificate.
{Q&A-188}

QUESTION: 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: Ref. § 61.31(d)(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. § 61.93 is the solo cross-country endorsement for student pilot operations only. § 61.93 has nothing to do with applicants seeking additional aircraft category and class ratings. This applicant holds a Commercial Pilot Certificate.
{Q&A-188}

QUESTION: Per § 61.47(b), it reads 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: Ref. § 61.31(d)(3); 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 § 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.
{Q&A-188}

QUESTION: 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: Ref. § 61.31(d)(3); Per § 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 that if I were that applicant's instructor I would require it. But there are no regulatory requirements that require it. And as a 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: 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: Ref. § 61.123(h), 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: A person who has a commercial pilot certificate with ASEL, AMEL, and Instrument Rating asked us the following questions. 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: 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 flight time in helicopters as per § 61.129(c)(2)(i)?

ANSWER: Ref. § 61.129(c)(2)(i); Yes, the applicant must show 35 hours of PIC flight time in helicopters to be eligible for a helicopter rating at the commercial pilot level.

{Q&A-146}

QUESTION: 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: Ref. § 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.

QUESTION: 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: Ref. § 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: Ref § 61.63(b)(5); 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: § 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 whom cannot read, speak, write, and understand the English language could obtain additional ratings on their existing certificate.

ANSWER: Ref. § 61.63; 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: Ref. § 61.63(c)(4);

“(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: § 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 Commercial Pilot Certificate - AMEL only (many military pilots do) and apply for a Commercial Pilot Certificate - ASEL, must I comply with the single-engine solo provisions of § 61.129(a)(4)? Must I take a solo 300 NM cross country in a single?

ANSWER: Ref. § 61.63(c)(4); No. Per § 61.63(c)(4), it 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; and*”

Otherwise, the instructor trains the applicant to pass the practical test. So no the applicant does not have to 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 at \$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 did "an instrument rating that is appropriate to the aircraft category, class, or type rating sought" mean? 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: Ref. § 61.63(d)(5); 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. § 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?

In answer to your questioning the wording of § 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. And 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: Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL. Does 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 cross country in airplanes, 5 hours instrument training in airplanes, etc?

ANSWER: Ref. § 61.63(b); Yes, § 61.63(b) does apply, and yes the aircraft category requirements of § 61.129 apply.

{ Q&A-60 }

QUESTION: Conceding the lack of any statement of requirements in § 61.63 regarding the English language 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 rating added to his standard U.S. certificate, but has obviously lost his English capability. Should the examiner conduct the practical test and issue the additional class as though there was no problem, or what??

ANSWER: Ref. § 61.75(b)(5) or § 61.103(c) or § 61.123(b); No, the pilot is not eligible for issuance of a certificate if the English requirements cannot be met.

{ Q&A-60 }

§ 61.65 Instrument rating requirements

QUESTION: Does the instrument training cross country flight for the Instrument-Airplane rating have to be performed with a CFII-Airplane flight instructor?

ANSWER: Ref. § 61.65(d)(2)(iii)(A) and § 61.1(b)(10); Yes, the "... instrument training on cross country flight procedures A distance of at least 250 nautical miles along airways or ATC-directed routing" must be

performed with an authorized instructor with the CFII-Airplane rating. Per § 61.1(b)(10), “*Instrument training* means that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions.” [Emphasis added: “. . . from an authorized instructor . . . ”]. And per § 61.65(d)(2)(iii), it states “. . . instrument training . . . ” Therefore, the instrument training cross country flight for the Instrument-Airplane rating must be received from an authorized instructor with the CFII-Airplane rating.
{Q&A-576}

Situation 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR).

QUESTION: Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan provided the aircraft remains in VMC. No place in § 61.65 or § 91.205(d) does it require that the helicopter be IFR certified. However, a VFR certified 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 the instruments and equipment requirements of § 91.205(d).

A person may not operate a VFR certified Robinson R-22 (meaning the aircraft not certified for IFR) in flight conditions that are less than VMC nor may a person 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 and remain in VMC.

Additionally, the FAA has established the following policy in FAA Order 8700.1 (page 8-2, paragraph 17) concerning instrument training in aircraft not certified for IFR operations:

“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.

[* *Intent of paragraph A: Although in this paragraph it states just “. . . airplane . . . ” on the 3rd line that is asterisked, this policy also applies to helicopters and all other categories and classes and types of aircraft*]

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.”

{Q&A-170e}

QUESTION: Does a Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft's flight and navigation instruments do not need to be IFR certified to operate on an IFR flight plan.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

QUESTION: Can the aeronautical experience required by § 61.65(d) be performed in this VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 61.65(d) and FAA Order 8700.1 (page 8-2, paragraph 17). The answer is yes, the aeronautical experience required by § 61.65(d) may be performed in a VFR certified Robinson R-22.

{Q&A-170e}

QUESTION: Can the instrument training required by Appendix C of Part 141 be performed in a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 141.39(e); FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the training required by Appendix C of Part 141 may be performed in a VFR certified Robinson R-22. Neither § 141.39(e), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the instrument training requirements of Appendix C of Part 141.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

QUESTION: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certified Robinson R-22 (e.g., non-IFR certified)?

ANSWER: Ref. § 61.45(b) and (d); and FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the practical test for the Instrument-Helicopter rating may be performed in a VFR certified Robinson R-22. Neither § 61.45(b) and (d), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the practical test for an Instrument-Helicopter rating.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

QUESTION: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training under § 61.65(c) (or Appendix C of Part 141) in this non-IFR certified Robinson R-22 during daytime conditions?

ANSWER: Ref. § 61.65(c) and § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).

{Q&A-170e}

QUESTION: Can a portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b) and (d); § 91.205(d); The answer is a *conditional* yes. A portable VOR receiver may be used during instrument training and during the practical test for the Instrument-Helicopter rating provided the training / practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

But, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements of § 61.65(d)(2)(iv), then the rule § 91.171; § 91.411, and § 91.413 also apply to this question. Otherwise, for the aircraft to be operated under IFR flight plan / ATC clearance, the aircraft's -

- VOR has to have been inspected or operationally checked; [See § 91.171]
- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [See § 91.411] and
- ATC transponder has to have been tested and inspected. [See § 91.413]

The answer is yes, a portable VOR may be Velcro-taped to the instrument panel provided the training/practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance? Emphasis added: “. . . when conducting IFR operations under an IFR flight plan / ATC clearance . . .” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Aeronautical Information Manual, page 1-1-41, paragraph f.1. NOTE No. 4; and FAA Order 8700.1, page 222-7, paragraph 13.D; No, a hand-held GPS receiver may not be used during the instrument training or for the practical test for the Instrument-Helicopter rating. And again this answer applies to doing instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance.

Per the Aeronautical Information Manual, page 1-1-41, paragraph f.1., NOTE No. 4, it states:

“VFR and hand-held GPS systems are not authorized for IFR navigation, instrument approaches, or as a primary instrument flight reference. During IFR operations they may be considered only an aid to situational awareness.”

The intent of this NOTE No. 4 here in the Aeronautical Information Manual, page 1-1-41, paragraph f.1., applies to where the flight is conducted under an IFR flight plan / ATC clearance.

As for the practical use of these hand-held GPS receivers, it is not possible to use them for IFR navigation, GPS instrument approaches, or as a primary instrument flight reference. Hand-held GPS receivers do not provide appropriate monitoring systems to ensure signal integrity or data bases for instrument approach procedures. So a hand-held GPS receiver cannot be used for executing a GPS approach. [Ref. § 91.175(a)]. 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.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “... 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. . .”

Notice, this answer does not apply where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight meaning the flight is NOT being performed under an IFR flight plan / ATC clearance. Read the follow-on question and answer for that scenario.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight is simulated instrument flight where the examiner / flight instructor acts as ATC? Emphasis added: “... *meaning the flight is NOT being performed under an IFR flight plan / ATC clearance* . . .” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems; FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight. Meaning the flight is NOT being performed under an IFR flight plan / ATC clearance.

And another basis for the answer being a *conditional* yes is because the hand-held GPS receiver must be capable of allowing the applicant to perform Area of Operation V. Navigation Systems of the Instrument Rating PTS, FAA-S-8081-4C. As per the Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems, it requires the applicant to be able to:

- Exhibits adequate knowledge of the elements related to intercepting and tracking navigational systems and DME arcs.
- Tunes and correctly identifies the navigation facility.
- Sets and correctly orients the radial to be intercepted into the course selector or correctly identifies the radial on the RMI.
- Intercepts the specified radial at a predetermined angle, inbound or outbound from a navigational facility.
- Maintains the airspeed within 10 knots, altitude within 100 feet (30 meters), and selected headings within 5 degrees.
- Applies proper correction to maintain a radial, allowing no more than three-quarter-scale deflection of the CDI or within 10 degrees in case of an RMI.
- Determines the aircraft position relative to the navigational facility or from a waypoint in the case of GPS.
- Intercepts a DME arc and maintains that arc within 1 nautical mile.
- Recognizes navigational receiver or facility failure, and when required, reports the failure to ATC.

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

And per FAA Order 8700.1 [page 222-7, paragraph 13.D.] applies and it 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

Notice, this answer does not apply to instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance. Read the previous question and answer for that answer.

{ Q&A-170e }

QUESTION: Can a hand-held GPS receiver be used for navigation training for private pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the Private Pilot Certification practical test? Can a hand-held GPS receiver be Velcro taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used for navigation training for private pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the private pilot certification practical test. As per the Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation Task B. Radio Navigation and Radar Services on the Commercial Pilot Certification practical test? Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes, a hand-held GPS receiver may be used for navigation training for commercial pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the commercial pilot certification practical test. As per the Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 100 feet (30 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “ . . . 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. . . ”

{ Q&A-170e }

Situation 2: A person is undergoing training for an additional helicopter category and class rating at the commercial pilot certification level. The helicopter the person will be receiving training in is a non-IFR certified Robinson R-22.

QUESTION: 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 category and class rating at the commercial pilot certification level that is addressed in § 61.129(c)(3)(i)? Meaning the kind of instrument training where it does not require the filing of an IFR flight plan and flight is going to occur during daytime conditions.

ANSWER: Ref. § 61.129(c)(3)(i) and § 91.205(b); The instruments and equipment for the kind of instrument training required for § 61.129(c)(3)(i) during daytime conditions may be as minimal 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 and equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.

{ Q&A-170e }

QUESTION: Does the instrument training required by § 61.65(c) and (d) for the Instrument-Helicopter rating have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate? Does the instrument training required by § 61.129(c)(3)(i) for just the Helicopter rating at the commercial pilot certification level have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate?

ANSWER: Ref. § 61.195(c); Yes, the instrument training required by § 61.65(c) and (d) for the Instrument Helicopter rating has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

Yes, the instrument training required by § 61.129(c)(3)(i) for the helicopter rating at the commercial pilot certification level has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

{ Q&A-170e }

QUESTION: 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(c) and (d)?

ANSWER: Ref. § 61.129(c)(3)(i) and § 61.65(c) and (d); Yes, the training given to satisfy the instrument training aeronautical experience of § 61.129(c)(3)(i) may also be used to count toward the aeronautical experience of § 61.65(d).

{ Q&A-170e }

QUESTION: The phones started ringing early this morning. The one that has me scratching my head is the following: An applicant for a Helicopter - Instrument rating wants to get his 15 hours in the helicopter, then complete the rest of the 40 hours in an airplane. This applicant is not airplane rated at all. Is this legit?

ANSWER: Ref. § 61.65(a)(5); The answer is no, an applicant for a Helicopter - Instrument rating may not accomplish the training in an airplane and substitute it for the aeronautical experience required to be performed in a helicopter. As per § 61.65(a)(5), an applicant for an Instrument-Helicopter rating must accomplish the training in “. . . in an aircraft, flight simulator, or flight training device that represents an airplane, helicopter, or powered-lift appropriate to the instrument rating sought” [emphasis added “appropriate to the instrument rating sought”].
{ Q&A-468 }

NOTE: This request for interpretation regarding cross-country flight requirements for an instrument rating under 14 CFR § 61.65 of the Federal Aviation Regulations is answered by: Komal K. Jain, Office of Chief Counsel, AGC-240, Washington, DC 20591

QUESTION: Do the approaches required under § 61.65(d)(2)(iii)(C) need to be completed at three different airports?

ANSWER: Ref. § 61.65(d)(2)(iii); No. Under § 61.65(d)(2)(iii), a pilot seeking an instrument-airplane rating must perform three different kinds of approaches with the use of navigation systems, but the approaches may be performed at one or more airports. In addition, in order to meet the aeronautical experience requirements under § 61.65(d)(2)(iii), the pilot also must (1) land at one or more airport(s), other than the airport of original departure, using an instrument approach; (2) return to the airport of original departure using an instrument approach; (3) travel a total distance of 250 nautical miles or greater along airways or ATC-directed routing; and (4) choose an airport for landing that is separated by a minimum straight line distance of more than 50 nautical miles from the airport of original departure (see § 61.1(b)(3)(ii)(B)). Given the requirement that the pilot land at a minimum of one airport other than the airport he or she originated from, it is most efficient if a different approach is used for each landing so the requirements under § 61.65(d)(2)(iii)(C) partially are met.

QUESTION: How does FAA define the requirement that three “different kinds of approaches” must be completed during a cross-country flight for an instrument rating?

ANSWER: Ref. § 61.65(d)(2)(iii)(C); Under the April 4, 1997, final rule for Part 61, the FAA consciously did not specify the kinds of approaches a pilot must perform in order to comply with the requirement under § 61.65(d)(2)(iii)(C). A pilot seeking an instrument rating must complete the cross-country aeronautical experience requirement by simply performing three different kinds of approaches, i.e., using three different kinds of navigation systems. A pilot may choose any three of the list below:

1. Non-directional beacon (NDB)
2. Localizer-type directional aid (LDA)
3. Very high frequency omnirange station (VOR)
4. Global positioning system (GPS)
5. Simplified direction facility (SDF)
6. Instrument landing system localizer (LOC).

{ Q&A-463 }

QUESTION: 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: 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: 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: 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: 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 the 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: 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: 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). 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: 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: Can some of those 40 hours be in simulated or actual instrument conditions with a non-CFI safety pilot qualified under §91.109?

ANSWER: 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: Ref. § 61.65(a)(7); 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 has precedence.
{Q&A-227}

QUESTION: 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 the 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: Ref. § 61.65(a)(8)(i); 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 Flight 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: 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: Ref. § 61.65(a)(8)(i); 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 X Emergency Operations [Private Pilot Practical Test Standards - FAA-S-8081-14] 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 Private Pilot Practical Test Standards - FAA-S-8081-14. Therefore, since the applicant already demonstrated the capability to pilot a conventional multiengine airplane (Cessna 310) performing the tasks in the Area of Operation X Emergency Operations [Private Pilot Practical Test Standards - FAA-S-8081-14], 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 Flight 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:

PRIVATE 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: Reference 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: Ref. §§ 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) and AC 60-28 "English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65"; 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. AC 60-28 "English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65" is the FAA's primary source document for understanding the intent of being able to read, speak, write, and understand the English language.

{Q&A-198a}

QUESTION: 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: Ref. § 61.65(e), 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 non-precision approach. At least one non-precision 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: 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 NDB 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: Reference § 61.65(d)(2)(i), can a CFI-Helicopter (not instrument rated) give any of the fifteen hours required by this section?

ANSWER: 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: Reference § 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: Ref. § 61.65(d)(2)(iv); Yes, that is correct. It reads "... that is performed under IFR ..." IFR means instrument flight rules. IFR does not mean instrument meteorological conditions (IMC).

QUESTION: Reference § 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: Ref. § 61.65(d)(2)(iv)(A) and § 61.1(b)(3)(iii); Yes, provided the flight is in accordance with the provisions of § 61.1(b)(3)(iii), which are:

“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: 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: Ref. § 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 3 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 reads “. . . 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: 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: Ref. § 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: 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: Ref. § 61.1(b)(3)(ii); 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)].

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: 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: Ref. § 61.71(a); 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 exception provided for in § 61.71(a) was intentional, because we who drafted the rule believe our Part 141 school give such quality of training and oversight by the FAA 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: § 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 non-precision 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: Ref. § 61.65 (a)(8)(ii); You're correct. At least one approach must be flown in the aircraft.
{Q&A-74}

QUESTION: 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: 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: Ref. § 61.1(b)(3)(ii) or (iii)(B) or (iv)(B) or (v)(B); The "original point of departure" does not change with a new day or delay.
{Q&A-60}

QUESTION: 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: Ref. § 61.65(a)(7); No, these tests are not interchangeable.
{Q&A-60}

§ 61.69 Glider towing: Experience & training

QUESTION: Who would qualify as the "authorized instructor" in § 61.69(a)(3)?

ANSWER: Ref. § 61.1(b)(2)(ii) and § 61.69(a)(3); 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: Does the towplane pilot have to be rated/proficient in gliders?

ANSWER: Ref. § 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 flight 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: Ref. § 61.69(a)(3); Yes. The person must have the endorsement. Per § 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--
 - * * * *

{ Q&A-138 }

§ 61.71 Graduates of parts 141 & 142 training programs

QUESTION: 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: 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: 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: 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 to resolve any questions.

{Q&A-231}

QUESTION: 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 141 syllabus to insure that the minimum logged training under Part 61 was accomplished.

ANSWER: 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: § 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: Ref. § 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: 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 a FAA Inspector or an FAA DPE?

ANSWER: Ref. § 61.71(b)(1), Yes, it must be a PIC proficiency check. 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 Military pilots or former military pilots

QUESTION: Does the Air Force's course completion check of the Air Force's Undergraduate Pilot Training Program qualify their graduates to be issued the Commercial Pilot Certificate, Airplane Multiengine Land rating, Instrument - Airplane, and a BE400 type rating?

ANSWER: Ref. § 61.73(d)(1) and (g); I just got off the telephone with a Major Scoggins, 19th AF, who confirmed to me that the check administered to Air Force UPT graduates is an equivalent PIC qualification and instrument proficiency check in the T1A. Just like it was back when we all went through military flight school. He said their Air Force UPT graduates do not qualify as PICs until they get to their units and complete the unit's standardization program, but the final check to its graduates from the Air Force UPT is an equivalent PIC qualification and instrument proficiency check in the T1A. Again, just like it was back when we all went through military flight school.

He said the Air Force's Undergraduate Pilot Training program does not issue the Air Force Form 8. Only Air Force units issue the Air Force Form 8. Otherwise, the Air Force is doing nothing different than how it has always been done. And this procedure is similar to how the Army does it and I explained all that in Q&A 366 (attached).

Therefore, provided these Air Force UPT graduates show documentation of having completed the equivalent PIC qualification and instrument proficiency check within the preceding 12 calendar months [see § 61.73(d)(1)] in the T1A, official Air Force aeronautical qualification order as a pilot, and they satisfactorily complete the FAA's military competency knowledge test, then they will be issued a Commercial Pilot Certificate, Airplane Multiengine Land rating, Instrument - Airplane, and a BE400 type rating.

If some of our offices have refused to issue the BE400 type rating, then that needs to get corrected.
{Q&A-532}

QUESTION: When an Air Force pilot, who graduates from the U.S. Air Force Undergraduate Pilot Training, makes application for a § 61.73 Commercial Pilot Certificate, is it permissible to accept anything other than the Air Force Form 8 to show evidence of qualification?

We here in the Fargo N.D. FSDO are having Air Force pilots, who have recently graduated from the U.S. Air Force Undergraduate Pilot Training, show up at the office to make application for their § 61.73 Commercial Pilot Certificates with an Airplane Multiengine Land and Instrument-Airplane ratings. These applicants do not possess an Air Force Form 8. According to a memorandum, dated January 10, 1995, from the Manager (for Robert J. Peters signed by Carroll O. Wesone) of the FAA's General Aviation and Air Carrier Branch, ASW-250, he has approved new documentation procedures for issuing § 61.73 Commercial Pilot Certificates to graduates of the U.S. Air Force Undergraduate Pilot Training. The new approved documentation procedures permit Air Force pilots, who graduate from the U.S. Air Force Undergraduate Pilot Training to apply for a § 61.73 Commercial Pilot Certificate by submitting a copy of their USAF aeronautical orders and a Department of the Air Force Memorandum that shows:

[Department of the Air Force]
[Unit identification]

[Name] of the U.S. Air Force pilot.

[Military identification number/social security number] of the U.S. Air Force pilot.

The named individual in this memorandum satisfactorily completed a qualification and instrument evaluation (pilot in command equivalent) in a *[type of aircraft]* on *[date]*.

A copy of the individual's USAF aeronautical order reflecting his/her qualification is attached.

Signed: *[Name of the Commander, Rank, USAF]*
[Commander, Unit identification]

Attachment: USAF Aeronautical Order No. [?????]

ANSWER: Ref. § 61.73(h)(3)(iii) and (5); The memorandum and documentation that you described in your question would meet the requirements set forth in § 61.73(h)(3)(iii) and (5). Per § 61.73(h), the rule does not specifically require the Air Force Form 8 as the only form of evidence to show military pilot qualifications. The documentation approved by FAA's General Aviation and Air Carrier Branch, ASW-250 for Air Force pilots, who graduate from the U.S. Air Force Undergraduate Pilot Training, would suffice for the requirements set forth in § 61.73(h)(3)(iii) and (5).

The reason the documentation was approved by FAA's General Aviation and Air Carrier Branch, ASW-250, for Air Force pilots was because of a change in Air Force policy in issuing the Air Force Form 8. The Air Force no longer issues the Air Force Form 8 to recent graduates from its Undergraduate Pilot Training. The Air Force Form 8 is now only issued to Air Force pilots who complete pilot qualification in their mission aircraft at the unit level. However, before the Air Force graduates a person from its Undergraduate Pilot Training, the pilot is required to complete an equivalent PIC aircraft checkout and instrument qualification.

{Q&A-521}

QUESTION: I have a rated military pilot who holds an ATP with an AMEL rating. This military pilot has official military documentation of having passed an U.S. military pilot check and instrument proficiency check in a C-9 type of aircraft as pilot in command during the 12 calendar months before the month of application. The military pilot wants to make application for a DC9 type rating to be added to his ATP certificate. Is this permissible for this DC9 type rating to be added to the military pilot's ATP certificate at the ATP certification level or must it be issued at the commercial pilot certification level? If this military pilot wants to add the DC9 type rating to his ATP certificate and at the ATP certification level, must he be administered a DC9 type rating practical test in order to apply for the type rating at the ATP certification level?

ANSWER: Ref. § 61.73(g); The military pilot qualifies for the DC9 type rating at the ATP certification level on the basis of being in compliance with § 61.73(g)(1) & (2) because he holds an AMEL rating on his ATP certificate and he passed an official U.S. military pilot check and instrument proficiency check in the C-9 as pilot in command during the 12 calendar months before the month of application. No, the military pilot is not required to take a DC9 type rating practical test in order to apply for the type rating at the ATP certification level.

{Q&A-512}

QUESTION: Does the final flight check in the T-1 type airplane meet the requirements of a PIC flight check as specified in § 61.73(d)(1)? Does an instrument proficiency check in the T-1 type airplane meet the requirements of a PIC flight check?

If yes, then we believe that we should issue the MU-300/BE-400 pilot type rating at the Commercial pilot certification level provided the military pilot presents official documentation to substantiate their accomplishment of the § 61.73(d)(1) requirements. Can we issue a MU-300/BE-400 type rating provided the military pilot submits proper documentation?

Background: USAF pilot candidates who will be assigned to airplanes that requires a crew of 2 or more, complete their flight training in the T-1 type aircraft receiving approximately 100 flight hours (the T-1 is a civilian airplane's counterpart to the MU-300/BE-400). USAF pilot candidates who will be assigned to single seat fighter type airplanes complete their pilot training in a T-38, as in the past.

ANSWER: Ref. § 61.73(d)(1); Yes, the military pilot's final check in the T-1 airplane would qualify as "... An official U.S. military pilot check ... in that aircraft category, class, or type, if applicable, as pilot in command during the 12 calendar months before the month of application ...". Yes, the military pilot's instrument proficiency check in the T-1 type airplane does meet the requirements of "... An official U.S. military ... 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 ...".

Yes, issue the military pilot the MU-300/BE-400 type rating at the Commercial pilot certification level who have accomplished a U.S. Air Force final check and instrument proficiency check in the T-1 airplane.

Because of my past military 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)]. Although the military does not issue that military pilot PIC orders initially because PIC orders are issued to military pilots after they accumulate additional flight time and training at their assigned unit. But the PI/Instrument checks are identical to the PIC/Instrument check that is addressed in § 61.73(d)(1).

The military's procedures for qualifying their pilots for PIC status are done differently today. So the policy that I've stated previously in Q&A 351, is to advise military pilots to have their IPs complete the checkride form. Make sure the IP checks the box PC and Instrument and make sure that the aircraft make and model is identified on the checkride form. The military pilot must present a copy of their official crewmember training record 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 won't be issuing the pilot PC orders. 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.

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 . . .”).
{Q&A-508}

QUESTION: Does § 61.73 (a)(1) prohibit the FAA from issuing a private pilot certificate to a “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” if that applicant only holds a current private pilot license issued by that contracting State?

If you read § 61.73 (b)(3)(ii) it would seem we could issue this applicant a restricted certificate at the private pilot level if the applicant meets the other requirements- (1) Pass a knowledge test, (2) Present documentation showing compliance with the requirements of § 61.73 (d), and (3) Present documentation showing the applicant is or was, at any time during the 12 calendar months before the month of application---. However, § 61.73 (a)(1) refers to commercial only. Using that it would seem the foreign military applicant who only holds a private pilot license from his/her contracting state would not be eligible for a certificate under § 61.73??

Prior to 1997 there were provisions in this regulation for either a private or commercial certificate. Further FAA Order 8700.1 volume 2, chapter 28, paragraph 5 B is not current with the regulation but it too addresses the “Private Versus Commercial Pilot Certificate.” However, now § 61.73(a)(1) refers to “A commercial pilot certificate” only.

ANSWER: Ref. § 61.73(b)(3)(ii); This foreign military pilot would not qualify under § 61.73 for issuance of our commercial pilot certificate. Nor would he qualify for issuance of our private pilot certificate under § 61.73. This foreign military pilot may qualify for issuance of our restricted U.S. private pilot certificate under § 61.75 provided the person meets the appropriate eligibility prerequisites of § 61.75.

Yes, I agree the guidance that is provided in some areas of FAA Order 8700.1 are out-of-date with the rule changes that were made in 1997 to Part 61. Neither AFS-840, nor I have control over the issuance of changes to FAA Order 8700.1. If there is a difference between a Federal regulation vs. the guidance/policy of FAA Order 8700.1, the Federal regulation always takes precedence.
{Q&A-504}

QUESTION: I am writing seeking clarification of 14 CFR Part 61.73 Military pilots or former military pilots: Special Rules. Specifically, I seek clarification of § 61.73(c)(1). Is the intent of § 61.73(c)(1) to allow a former military pilot, with 12 or more months since on active flying status to take the written instrument test without further training OR must a former military pilot with 12 or more months since on active flying status obtain additional training and/or receive a logbook endorsement from a certified instructor or school prior to taking the test? If so, must the endorsement be written in the logbook or may the endorsement in the form of a letter as in the case of a correspondence school, such as the King School? Further, is the intent of 61.73(c)(1) to allow a former military pilot, with 12 or more months since on active flying status to take the practical test without further training or must a former military pilot with 12 or more months since on active flying status obtain additional training and/or receive a logbook endorsement from a certified instructor prior to taking the practical test? If so, how much additional training and over what period is required? Further, must this endorsement, if required, be in the pilots logbook or does the endorsement on the form 8710-1 (Airman Certificate and/or Rating Application) (Instructor's Recommendation) meet the requirement for endorsement?

If there is additional training/endorsement required, then what specifically is the function of § 61.73(c)?

ANSWER: Ref. § 61.73(c)(1), § 61.51(a)(1); § 61.35(a)(1); § 61.39(a)(3); § 61.39(a)(6) and (7); § 61.65(c) and (d); and § 61.63; This question and answer applies to a military pilot who has not been on active flying status during the 12 calendar months before the month of application [i.e., § 61.73(c)]

Ref. § 61.35(a)(1); A military pilot who has not been on active flying status during the 12 calendar months before the month of application must accomplish the aeronautical knowledge training from an authorized instructor that is appropriate to the pilot certificate level and aircraft rating sought prior to taking the knowledge test.

Ref. § 61.51(a)(1); The requirements for logging aeronautical knowledge training and flight proficiency training is addressed in § 61.51(a)(1) which requires that "... 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 ..." And recording the time "... in a manner acceptable to the Administrator ..." would mean recording the time in a logbook or on a training record.

Ref. § 61.35(a)(1); As for your question "may the endorsement in the form of a letter as in the case of a correspondence school, such as the King School" a military pilot who has not been on active flying status during the 12 calendar months before the month of application would still need to have an authorized instructor provide an endorsement in a logbook that certifies the applicant is prepared for the knowledge test.

Ref. § 61.39(a)(3); As for your question, "... must a former military pilot with 12 or more months since on active flying status obtain additional training and/or receive a logbook endorsement from a certified instructor prior to taking the practical test ..." that military pilot who has not been on active flying status during the 12 calendar months before the month of application must accomplish the required flight proficiency/training from an authorized instructor that is appropriate to the pilot certificate level and aircraft rating sought prior to taking the practical test.

Ref. § 61.63(b); § 61.63(c); § 61.103; § 61.123; § 61.153; § 61.65(c) and (d); As for your question, "... how much additional training and over what period is required ..." you have not given me enough information to determine whether you are merely adding an additional aircraft category rating or an additional aircraft class rating to an existing pilot certificate or whether you are seeking the pilot certificate and the aircraft category and class rating. You need to get with a flight instructor or training school that can review your logbook and military pilot flight times and qualifications to see what you need. If you are seeking an additional aircraft category rating to an existing pilot certificate, you should review § 61.63(b). If you are just seeking an additional aircraft class rating to an existing pilot certificate, you should review § 61.63(c). If you are seeking a pilot certificate with the aircraft category and/or class rating, then you need to go to § 61.103 for the private pilot certification or § 61.123 for the commercial pilot certification or § 61.153 for the ATP certification or § 61.65(c) and (d) for the instrument rating.

Ref. § 61.39(a)(6) and (7); As for your question, "... must this endorsement, if required, be in the pilots logbook or does the endorsement on the form 8710-1 (Airman Certificate and/or Rating Application) (Instructor's Recommendation) meet the requirement for endorsement ...", a military pilot who has not been on active flying

status during the 12 calendar months before the month of application needs an endorsement in their logbook and the authorizing instructor must sign the Airman Certificate and/or Rating Application (FAA Form 8710-1).

As for the overall, general intent of the provisions set forth in § 61.73(c), that rule is for military pilots who have not been on active flying status during the 12 calendar months before the month of application. It is for those military pilots who did not take advantage of their military aviation service when it would have been permissible for him to have merely accomplished the military competency knowledge test. Otherwise, they missed the opportunity to apply directly for a commercial pilot certificate with an instrument rating by just merely accomplishing the military competency knowledge test. The intent of § 61.73(c) is to recognize former military pilots' military flight experience (i.e., their logged flight/aeronautical experience). However, per § 61.73(c)(1), a former military pilot must "... Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; ..." Otherwise as for example, a former military pilot is allowed to apply directly for a commercial pilot certificate with the appropriate aircraft and instrument ratings in accordance with § 61.123 [minus the requirements of paragraph (h) of § 61.123] of having to hold a private pilot certificate.

In accordance with § 61.73(c)(2), a military pilot who has not been on active flying status during the 12 calendar months before the month of application must "... Present documentation showing that ..." he was a rated military pilot on active flying status in an armed force of the United States [i.e. § 61.73(b)(3)(i)]. Otherwise, a military pilot who has not been on active flying status during the 12 calendar months before the month of application 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.

A military pilot who has not been on active flying status during the 12 calendar months before the month of application may apply directly for a Commercial Pilot Certificate [i.e., § 61.123 minus the requirements of paragraph (h)]. As a point of clarification, the former military pilot will be required to meet the appropriate aeronautical experience requirements for the Commercial Pilot Certificate and rating sought. For example, if the former military pilot is seeking a commercial pilot certificate with an airplane multi-engine land rating, then that former military pilot must have logged the required aeronautical experience as set forth in § 61.129(b).

To apply for a commercial pilot certificate under § 61.123 on the basis of being a former military pilot, the applicant must present the applicable required evidentiary documents, as set forth in § 61.73(h). These evidentiary documents are necessary to prove that the applicant was a former U.S. military pilot and meets the requirements of § 61.73(c) and also paragraph (b)(3)(i) or (ii) of § 61.73 to qualify for applying for a commercial pilot certificate under § 61.123. After the examiner reviews the applicant's evidentiary documents, and it is determined the applicant does meet the requirements of § 61.73(c) and also paragraph (b)(3)(i) or (ii) of § 61.73 to qualify for applying for a commercial pilot certificate under § 61.123, the examiner shall, for administrative purposes, complete item B. [] "Military Competence Obtained In" in Section II "Certificate or Rating Applied For on Basis of:" on the Airman Certificate and/or Rating Application, Form 8710-1 and place his/her initials and date under item B. []. "Military Competence Obtained In." However, the basis for the certificate will still be item "A. [] Completion of Required Test" and that item must also be completed by the applicant.
{Q&A-449}

QUESTION: I am requesting a reversal of the FAA's decision to categorize the FA-18 E/F as a centerline thrust airplane. I have compiled evidence from the aircraft flight manual and performance charts of the FA-18, series E and F, to the contrary that the F-18 is a "limited to center thrust" multiengine airplane.

ANSWER: Ref. § 61.73(a)(2) and FAA Order 8700.1, Chapter 1, Section 3, page 1-13 and 1-14, paragraph 21.E. and Chapter 28, page 28-2, paragraph 5.G. The F-18's aircraft flight manual does not have a manufacturer's minimum controllable airspeed (V_{mc}) that is equivalent to a manufacturer's V_{mc}. Therefore, a military pilot who qualifies for an FAA pilot certificate on the basis of their military qualifications in an F-18, per § 61.73, will continue to receive the limitation "limited to center-thrust."

I will admit the Angle of Attack Conversion chart (figure 11-11) in the F-18 aircraft flight manual is somewhat similar to being a manufacturer's published V_{mc} speed. However, the FAA has determined that Angle of Attack Conversion chart and the other information you provided from the F-18's aircraft flight manual, specifically the

procedures for single-engine operations described in paragraph 11.4.1 and the single-engine emergencies in Chapter 14, does not equate to being a published minimum controllable airspeed (Vmc), as set forth in § 23.149(b) or § 25.149(b).
{Q&A-421}

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 § 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 may apply directly for an ATP certificate on the basis of prerequisite eligibility requirements of § 61.153(d)(2)?

ANSWER: Ref. § 61.73(c)(1) and (2) and § 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 is 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. 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.

As a point of clarification, the former military pilot will be required to meet the appropriate aeronautical experience requirements for the ATP pilot certificate and rating sought. For example, if the former military pilot is seeking an ATP pilot certificate with an airplane multi-engine land rating, then that former military pilot must have logged the required aeronautical experience as set forth in § 61.159(a) or as permissible under paragraphs (b) through (e).

PROCEDURAL REQUIREMENTS: In order to apply for an ATP certificate under § 61.153(d)(2) on the basis of being a former military pilot, the applicant must present the applicable required evidentiary documents, as set forth in § 61.73(h). These evidentiary documents are necessary to prove that the applicant was a former U.S. military pilot and meets the requirements of § 61.73(c) to qualify for applying for an ATP certificate under § 61.153(d)(2). After the examiner reviews the applicant's evidentiary documents, and it is determined the applicant does meet the requirements of § 61.73(c) to qualify for applying for an ATP certificate under § 61.153(d)(2), the examiner shall, for administrative purposes, ensure the applicant has completed item B. [] "Military Competence Obtained In" in Section II "Certificate or Rating Applied For on Basis of:" on the Airman Certificate and/or Rating Application, Form 8710-1. The examiner shall place his/her initials and date under item B. [] "Military Competence Obtained In" so that the FAA's Airman Certification Branch, AFS-763, knows the examiner has reviewed the former military pilot's military flight records [i.e., meaning the required evidentiary documents, as set forth in § 61.73(h)] prior to conducting the practical test. However, the basis for the certificate will still be item "A. [] Completion of Required Test" and that item must also be completed by the applicant.

{Q&A-402}

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 also paragraph (b)(3)(i) or (ii) of § 61.73, 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 and answered by John M. Wensel, Manager, Certification Branch, AFS-840

Reference your request for an explanation of the intent Title 14 CFR, § 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 § 61.73(c) allows for recognizing Mr. Morris' military flight experience (i.e., his logged flight/aeronautical experience). Per Title 14, CFR § 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 § 61.123 [minus the requirements of paragraph (h) of Title 14, CFR § 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 § 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 § 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 § 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.

John M. Wensel
Manager, Certification Branch, AFS-840

The former military pilot may apply directly for a Commercial Pilot Certificate [i.e., § 61.123 minus the requirements of paragraph (h)]. As a point of clarification, the former military pilot will be required to meet the appropriate aeronautical experience requirements for the Commercial Pilot Certificate and rating sought. For example, if the former military pilot is seeking a commercial pilot certificate with an airplane multi-engine land rating, then that former military pilot must have logged the required aeronautical experience as set forth in § 61.129(b).

PROCEDURAL REQUIREMENTS: To apply for a commercial pilot certificate under § 61.123 on the basis of being a former military pilot, the applicant must present the applicable required evidentiary documents, as set forth in § 61.73(h). These evidentiary documents are necessary to prove that the applicant was a former U.S. military pilot and meets the requirements of § 61.73(c) and also paragraph (b)(3)(i) or (ii) of § 61.73 to qualify for applying for a commercial pilot certificate under § 61.123. After the examiner reviews the applicant's evidentiary documents, and it is determined the applicant does meet the requirements of § 61.73(c) and also paragraph (b)(3)(i) or (ii) of § 61.73 to qualify for applying for a commercial pilot certificate under § 61.123, the examiner shall, for

administrative purposes, complete item B. [] "Military Competence Obtained In" in Section II "Certificate or Rating Applied For on Basis of:" on the Airman Certificate and/or Rating Application, Form 8710-1 and place his/her initials and date under item B. []. "Military Competence Obtained In." However, the basis for the certificate will still be item "A. [] Completion of Required Test" and that item must also be completed by the applicant.

{Q&A-398}

QUESTION: 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. The former military pilot holds no FAA pilot certificates. 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: Ref. § 61.153(d)(2) and § 61.73(c); He may apply directly for an ATP certificate, provided he possesses the aeronautical experience of § 61.159(a). And per § 61.73(c)(2), the applicant must "... Present documentation showing that ..." he was a rated military pilot on active flying status in an armed force of the United States.

The intent of § 61.73(c) allows for recognizing a former military pilot's military flight experience (i.e., his logged flight/aeronautical experience). Per § 61.73(c)(1), the applicant 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 the ATP certificate with the appropriate aircraft and instrument ratings in accordance with § 61.153(d)(2).

As a point of clarification, the former military pilot will be required to meet the appropriate aeronautical experience requirements for the ATP pilot certificate and rating sought. For example, if the former military pilot is seeking an ATP pilot certificate with an airplane multi-engine land rating, then that former military pilot must have logged the required aeronautical experience as set forth in § 61.159(a) or as permissible under paragraphs (b) through (e).

PROCEDURAL REQUIREMENTS: In order to apply for an ATP certificate under § 61.153(d)(2) on the basis of being a former military pilot, the applicant must present the applicable required evidentiary documents, as set forth in § 61.73(h). These evidentiary documents are necessary to prove that the applicant was a former U.S. military pilot and meets the requirements of § 61.73(c) to qualify for applying for an ATP certificate under § 61.153(d)(2). After the examiner reviews the applicant's evidentiary documents, and it is determined the applicant does meet the requirements of § 61.73(c) to qualify for applying for an ATP certificate under § 61.153(d)(2), the examiner shall, for administrative purposes, ensure the applicant has completed item B. [] "Military Competence Obtained In" in Section II "Certificate or Rating Applied For on Basis of:" on the Airman Certificate and/or Rating Application, Form 8710-1. The examiner shall place his/her initials and date under item B. [] "Military Competence Obtained In" so that the FAA's Airman Certification Branch, AFS-763, knows the examiner has reviewed the former military pilot's military flight records [i.e., meaning the required evidentiary documents, as set forth in § 61.73(h)] prior to conducting the practical test. However, the basis for the certificate will still be item "A. [] Completion of Required Test" and that item must also be completed by the applicant.

{Q&A-153}

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 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: 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: 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 a 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: 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: 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: 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: 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 a 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: 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: 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 a 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: 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 § 61.73 or FAA Order 8700.1 with their military documentation. Persons conducting written test preparation courses are telling them 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 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 flight 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 a 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. § 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 inquiries 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: 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 a 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 flight 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: 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 flight 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 flight time, in accordance with § 61.51(e), with the acting as PIC in accordance with § 1.1. Logging PIC flight time is provided for by § 61.51(e). The legal requirement of acting as the PIC is addressed in § 1.1.

QUESTION: If the military pilot is using subparagraph (1) or (2) of § 61.73(d) to qualify, must the PIC flight time be military PIC flight time or can it be other than military time? I believe the question is “why not credit the military pilot PIC flight 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: Ref. § 61.73(d)(2); Again, the answer again is no. Do not confuse the logging of PIC flight 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 flight 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: When a military pilot applies for a category, class, and type rating must they show 10 hours of MILITARY PIC flight 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 flight time as defined in 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: Ref. § 61.73(d); 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.

Just like it reads 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: Is there possibly a contradiction in the language between § 61.73(d)(1) and § 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: Ref. § 61.73(d)(2) or (3) or (e)(2); 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.
{Q&A-113}

QUESTION: § 61.73 does not require a military pilot, even one from an ICAO country to be able to “read, speak, write, and understand the English language.”

ANSWER: Ref. § 61.73(b)(3)(ii); 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: 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: Ref. § 61.153(d)(2) and 61.73(c) and (b)(3)(i) or (ii); 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 but he also must 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: 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: Ref. § 61.153(d)(2); Yes, he can bypass the commercial and instrument and go directly to the ATP.

QUESTION: Can the airman bypass commercial/instrument and take the ATP test?

ANSWER: Ref. § 61.153(d)(2); Yes, he can bypass the commercial/instrument.

QUESTION: Does he take the military commercial/instrument knowledge test?

ANSWER: Ref. § 61.153(f); No he does not need to take the military comp.

QUESTION: Does 61.73(c)(1), Pass the appropriate knowledge and practical tests.... apply to this person?

ANSWER: Ref. § 61.153; No, it does not apply. He is taking an ATP, so review § 61.153 which is the rule that establishes the eligibility requirements for ATP certification.

{Q&A-29}

§ 61.75 Restricted certificates – based on foreign licenses

QUESTION: A foreign pilot applicant is applying for a § 61.75 U.S. Private Pilot Certificate. The foreign pilot license that the applicant is wanting to use as the basis for applying for the § 61.75 U.S. Private Pilot Certificate is a foreign pilot license that is based on another foreign pilot license. The foreign pilot holds a UK Commercial Pilot License, but the license is no longer current. The foreign pilot applicant also holds a Turkish Commercial Pilot License, but that Turkish Commercial Pilot License was issued on the basis of his UK Commercial Pilot License. And on the Turkish Commercial Pilot License, it states "UK Pilot License 5551212 and shows the date." May a § 61.75 U.S. Private Pilot Certificate be issued on the basis of a foreign pilot license that was also issued on the basis of a different foreign pilot license?

ANSWER: Ref. § 61.75(a); No, you cannot issue a § 61.75 U.S. Private Pilot Certificate on the basis of a foreign pilot license that was also issued on the basis of another foreign pilot license. Per § 61.75(a), a § 61.75 U.S. Private Pilot Certificate may only be issued to a "... person who holds a current foreign pilot license issued by a contracting State to the Convention of International Civil Aviation ... when the application is based on the foreign pilot license that meets the requirements of this section." Otherwise for this question, the basis for issuing a § 61.75 U.S. Private Pilot Certificate must be on the UK Commercial Pilot License. The person's UK Commercial Pilot License was the only pilot license that was issued where the applicant met the pilot certification requirements of International Civil Aviation Organization (ICAO). The person's Turkish Commercial Pilot License did not meet the pilot certification requirements of ICAO. That pilot license was merely given to him, because of his UK Commercial Pilot License.

And per § 61.75(a), it requires that a person who applies for a § 61.75 U.S. Private Pilot Certificate must "... holds a current foreign pilot license ... " (Emphasis added: "current foreign pilot license"). Which means the person's British Commercial Pilot License must be current in order to apply for a § 61.75 U.S. Private Pilot Certificate.

{Q&A-638}

QUESTION: I've been asked whether it is permissible for a Canadian pilot to fly a Canadian registered aircraft with their Canadian pilot's license and Canadian medical license in the US even if their Canadian medical license's duration period is beyond the time duration that would be acceptable in the US and ICAO Annex 1, para. 1.2.5.2? Canada has a 3rd-class medical license that allows for 5 years duration if the person is less than the age of 40 years. That medical licensing duration period is not in accordance with ICAO Annex 1, para. 1.2.5.2.

ANSWER: Ref. § 61.75(b)(4); Section 61.75(b)(4) is silent about the situation where the Canadian medical license is current in accordance with the Canadian rule for medical licensing when the § 61.75 US pilot certificate is issued, but subsequently goes over the medical licensing time limits of ICAO Annex 1, para. 1.2.5.2. If a Canadian medical license is current (according to the Canadian rule for medical licensing duration) when the US pilot certificate is applied for, then in accordance with § 61.75(b)(4) a US pilot certificate may be issued on the basis of that current Canadian medical license. The rationale is because according to the Canadian rule, the medical license is current. And per § 61.75(b)(4), the rule merely states “. . . a current medical certificate issued by the country that issued the person's foreign pilot license . . .”
{Q&A-627}

Correction: The answer in Q&A-290 has been changed as a result of the issuance of FAA Notice 8700.15 and the revision of FAA Order 8700.1, Vol. 2, Chapter 29, page 29-9, paragraph 3. *S.(1), (b), (2), (f)*.

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) and FAA Order 8700.1, Vol. 2, Chapter 29, page 29-9, paragraph 3. *S.(1), (b), (2), (f)*; A person's foreign pilot license may not be under an order of suspension or revocation. In fact, in accordance with FAA Order 8700.1, Vol. 2, Chapter 29, page 29-9, paragraph 3. *S.(1) (b) (2) (f)*, the applicant must sign a statement when making application for verification to the FAA's Airmen Certification Branch, AFS-760, that his/her foreign pilot license is not under an order of suspension or revocation. A foreign pilot may not be issued a U.S. pilot certificate until he/she provides evidence that his/her foreign pilot license is not under an order of suspension or revocation.

However, when the FAA's Airmen Certification Branch, AFS-760, issues its letter of verification of authenticity to the jurisdictional FSDO and to the applicant, that letter will be the evidence needed to show proof that the applicant's foreign pilot license is not under an order of suspension or revocation.
{Q&A-290a}

QUESTION: I hold a § 61.75 U.S. Commercial Pilot Certificate with Airplane Single Engine Land and Multiengine Land and Instrument-Airplane rating. My § 61.75 U.S. Commercial Pilot Certificate was originally issued prior to August 4, 1997 (*the date of August 4, 1997 is referenced here to indicate when the FAA revised Part 61 and began limiting the issuance of § 61.75 U.S. pilot certificates to the private pilot certification level only*). I also hold a Canadian Commercial Pilot License with the same ratings held on my § 61.75 U.S. Commercial Pilot Certificate. I intend to apply for an Airline Transport Pilot Certificate and will apply on the basis of having accomplished the required ATP aeronautical knowledge test and practical test. Do I need to submit a verification of authenticity form to AFS-760 before making application for the practical test?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, Chapter 29, page 29-8, para. 3.S.(1) [Locate under § 61.75]; Yes, you must submit a verification of authenticity form to AFS-760 before making application for the practical test. The reason this is so is because the basis for your making application for the ATP practical test is your § 61.75 U.S. Commercial Pilot Certificate which was based on your foreign commercial pilot license. And this answer would also be applicable even if you were applying in accordance with § 61.153(d)(3) as being a holder of a foreign commercial pilot license and instrument rating.
{Q&A-612}

Dean Torgerson
Aircraft Owners and Pilots Association

421 Aviation Way
Frederick, MD 21701-4798

Re § 61.75: Private Pilot Certificate Issued on the Basis of a Foreign Pilot License

Dear Mr. Torgerson:

This letter responds to your October 16, 2003, request for an interpretation with respect to the pilot privileges of an airman that holds a U.S. pilot certificate on the basis of a British pilot certificate. Specifically, you pose the following scenario: A pilot was issued a U.S. pilot certificate in accordance with 14 CFR § 61.75 based on a British pilot certificate that states "This license shall remain in force for the holder's lifetime unless revoked, suspended, or varied." While this person's license has not been revoked, suspended, or varied, since the time the pilot was issued his or her U.S. pilot certificate, he or she has not satisfied the British recent experience requirements (flight review). The pilot, however, has completed a current flight review under 14 CFR § 61.56 and has a current U.S. medical certificate. Your question is whether the pilot can exercise the privileges of his or her U.S. pilot certificate, which was issued on the basis of the British pilot certificate, even though the British recent flight experience requirements to fly in Great Britain have not been met.

Section 61.75 of the Federal Regulations, sets forth the requirements that must be met to be issued a U.S. private pilot certificate based on foreign pilot license. The rule states that at the time, a person makes application for a U.S. pilot certificate, the person's foreign pilot license must be "current." Although the FAA has not, by rule, defined the term "current" as it relates to a foreign pilot license, the Agency has consistently interpreted it to mean that the applicant's foreign pilot license and medical license have not been surrendered, suspended, revoked, or expired, and the FAA's Airmen Certification and Flight Training Branch, AFS-840, was able to obtain verification of authenticity from the appropriate foreign civil aviation authority. Once the U.S. pilot certificate has been issued in accordance with § 61.75, the pilot need only meet the U.S. Federal Regulations (*e.g.*, requirements on recency of experience) to exercise the privileges of his/her U.S. pilot certificate here in the United States.

In conclusion, based on the facts presented, it appears that the pilot in your scenario properly met the requirements under § 61.75 when making his or her application for a U.S. pilot certificate. And, as long as this person continues to meet his or her obligations under the Federal Regulations, his or her status to fly in Great Britain is not of concern.

Answered by: *Donald P. Byrne; Assistant Chief Counsel; Regulations Division; Office of the Chief Counsel.*

Komal K. Jain, Office of the Chief Counsel, prepared the letter; it was reviewed by Michael E. Chase, Manager, Certification Law Branch, Office of the Chief Counsel, and coordinated with the Certification and Flight Training Branch of the General Aviation & Commercial Division of Flight Standards Service.
{Q&A-600}

QUESTION: I hold a § 61.75 U.S. Commercial Pilot Certificate with Airplane Single Engine Land and Multiengine Land and Instrument-Airplane rating. My § 61.75 U.S. Commercial Pilot Certificate was originally issued prior to August 4, 1997 (*the date of August 4, 1997 is referenced here to indicate when the FAA revised Part 61 and began limiting the issuance of § 61.75 U.S. pilot certificates to the private pilot certification level only*). I also hold a Canadian Commercial Pilot License with the same ratings held on my § 61.75 U.S. Commercial Pilot Certificate. I intend to apply for an Airline Transport Pilot Certificate and will apply on the basis of having accomplished the required ATP aeronautical knowledge test and practical test. Do I need to submit a verification of authenticity form to AFS-760 before making application for the practical test?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, Chapter 29, page 29-8, paragraph 3.S.(1) and § 61.75(a); Yes, you must submit a verification of authenticity form to AFS-760 before making application for the practical test. The reason this is so is because the basis for your making application for the ATP practical test is your § 61.75 U.S. Commercial Pilot Certificate which was based on your foreign commercial pilot license.

And this answer would also be applicable even if you were applying in accordance with § 61.153(d)(3) as being a holder of a foreign commercial pilot license and instrument rating.
{Q&A-597}

QUESTION: Some years ago (prior to August 4, 1997 when the new Part 61 was finalized), under § 61.75, an applicant was issued a commercial pilot certificate on the basis of his Bulgarian commercial pilot license. He later obtained a U.S. ATP in accordance with § 61.153(d)(3). Based on Flight Standards Service's long standing policy, he was allowed to hold both the § 61.75 U.S. Commercial Pilot Certificate and his U.S. ATP Certificate. However, upon the invalidation of his Bulgarian commercial pilot license, his § 61.75 U.S. Commercial Pilot Certificate also became invalid. At some after obtaining his U.S. ATP, the pilot also obtained a valid Korean pilot license. Thus, he now wants a new § 61.75 pilot certificate based on his Korean pilot license. (There is a concern that the Korean pilot license may have been issued on the basis of the Bulgarian pilot license and if that is the case the Korean pilot license wouldn't be valid anymore). Further, the applicant requests that the B767 type rating that he holds on his Korean pilot license be transferred onto his § 61.75 U.S. Commercial Pilot Certificate. Is that permissible?

ANSWER: Ref. § 61.75(b)(3) and (f) and FAA Order 8700.1, Vol. 2, Chapter 29, page 29-3, paragraph 3.(D)(3). Do not issue the applicant another § 61.75 U.S. pilot certificate based on the Korean pilot license. The person holds a U.S. ATP pilot certificate and may not be issued another § 61.75 pilot certificate. It is not permissible to add the B767 type rating onto his § 61.75 U.S. Commercial Pilot Certificate on the basis of the Korean pilot license.

Provided his Bulgarian pilot license was still valid, he could add rating(s) to his existing § 61.75 U.S. Commercial Pilot Certificate in accordance with § 61.75(c). But, if his Bulgarian pilot license is no longer valid, then no ratings may be added to his § 61.75 U.S. Commercial Pilot Certificate from his Bulgarian pilot license.

Under § 61.75(b)(3), if a person, other than a student, already holds a standard U.S. pilot certificate, that person may not apply for a U.S. pilot certificate on the basis of a foreign-pilot license. See also FAA Order 8700.1, Vol. 2, Chapter 29, page 29-3, paragraph 3.(D)(3).

NOTE: A person who applies for a U.S. pilot certificate by accomplishing the appropriate pilot certification requirements of part 61 and also holds a pilot certificate issued under § 61.75 need not surrender that U.S. pilot certificate. There have been isolated incidences where examiners have erroneously required a person to surrender the § 61.75 pilot certificate when applying for the standard U.S. pilot certificate. In this instance, it is permissible for a person to hold both a pilot certificate issued under § 61.75 and a standard U.S. pilot certificate.
{Q&A-579}

QUESTION: I understand that the FAA's Airmen Registry, AFS-760, is now requiring foreign pilots who wish to apply for a U.S. pilot certificate on the basis of their foreign pilot license to also obtain an FAA medical certificate. This requirement is something new for us and for the many foreign pilots who rent our aircraft. Having reviewed § 61.75(b)(4), there is no requirement for a foreign pilot to obtain an FAA medical certificate if he or she already has a medical certificate issued by a medical examiner authorized by the pilot's national aviation authority.

Additionally I would submit with respect that the process of foreign license verification is exactly that - the license and associated ratings, not the medical certificate. It would appear that somebody in AFS-760 or a higher authority has now expanded the verification process to check on the status of a foreign medical certificate. There is nothing that I can find to indicate the verification process, as laid down in the regulations, has been expanded and therefore I contend it is an undue burden on both the FAA, a foreign aviation authority and the individual pilot concerned.

ANSWER: Ref. § 61.75(b)(4) and FAA Order 8700.1, Vol. 2, Chapter 29. Yes, a person who applies for a U.S. pilot certificate must provide evidence of either holding a valid and current foreign medical license or a valid and current U.S. medical certificate that was issued in accordance with Part 67.

The following are the guidelines that the FAA's Airmen Registry, AFS-700, enforce concerning the medical certification requirements:

- If the foreign airman holds a current foreign medical in their foreign country, then the FAA's verification of authenticity letter will show this information on its letter.
- If the foreign airman holds an expired medical license (meaning not an endorsement), then the FAA's verification of authenticity letter will read that the airman must provide proof of a valid FAA medical certificate.
- If the foreign airman holds an expired medical (endorsement) license, then the FAA's verification of authenticity letter will state that the airman is not eligible for an FAA pilot certificate.
- If the foreign airman holds a current foreign medical license, but the information from the foreign CAA does not include an expiration date. Then the FAA's verification of authenticity letter will state "Please see the foreign medical certificate provided by the airman at the time of application."
- If no medical information is provided, then the FAA's verification of authenticity letter will require that the foreign airman provide proof of FAA medical certification.

{Q&A-569}

QUESTION: May a person who holds a § 61.75 U.S. Private Pilot Certificate with an Airplane Single Engine Land rating allowed to hold a Part 67 medical certificate in lieu of a foreign medical license in order to apply for the Instrument-Airplane practical test?

The person holds a § 61.75 U.S. Private Pilot Certificate with an Airplane Single Engine Land rating. The basis for issuance of the § 61.75 U.S. Private Pilot Certificate was the person holds an Argentina Private Pilot License with an Airplane Single Engine Land rating. The person is applying for Instrument-Airplane rating (U.S. Test Passed). Which means the person has completed the required Instrument-Airplane knowledge test and required instrument training in accordance with § 61.65(c) and is applying for the Instrument-Airplane practical test (U.S. Test Passed) as per § 61.65(a)(8). As per FAA Order 8700.1, Vol. 2, Chapter 29, the person was required to apply for the Instrument-Airplane practical test (U.S. Test Passed) by submitting an application of verification of authenticity of her Argentina foreign pilot license and rating. The Argentina Office of Civil Aeronautics sent the verification of authenticity to AFS-760 with the following statement:

_____ is the holder of Private Pilot's aircraft license No. _____, authorized August 20, 1997, with the qualifications of: Airplane Single Engine Land up to 5700 kgs. Expiration psycho-physical September 7, 1997. According to Argentine regulations, the psycho-physical qualification accompanies and gives validity to the license.

ANSWER: Ref. § 61.75(b)(4); The person need only hold "... a current medical certificate issued under part 67 of this chapter ..." Meaning, the person need only hold a U.S. medical license in order to apply for the Instrument-Airplane practical test (U.S. Test Passed).

The FAA does not enforce the Argentina aviation regulations. As for our rule [*i.e.*, § 61.75(b)(4)], the applicant is in compliance and should be allowed to take the Instrument-Airplane rating practical test with a current U.S. medical certificate.

{Q&A-550}

QUESTION: In § 61.75(a), it states "... A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply ..." In § 61.75(b), it 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 ..." Therefore, does the person's foreign pilot license have to be "current" before that person may be issued our U.S. pilot certificate? What does the term "current" mean in reference to the phrase "... a current foreign pilot license ... ?"

ANSWER: This is a problem because the FAA has not defined what the term "current" means as it relates to a foreign pilot license. When the FAA's Airmen Certification Branch, AFS-760, obtains a verification of authenticity from a foreign civil aviation authority, it is only verifying the applicant's foreign pilot license number and level of pilot license and ratings held, level of the foreign medical license held, and that the applicant's pilot license and medical license has not been surrendered, suspended, revoked, or expired. Otherwise, the verification of authenticity is to insure the applicant's foreign pilot license and medical license is "valid."

The term "current" in existing § 61.75(a) and (b) as it relates to a foreign pilot license is really meant to mean that the applicant's foreign pilot license and medical license has not been surrendered, suspended, revoked, or expired, and that the FAA's Airmen Certification Branch, AFS-760 has issued the applicant a letter of verification of authenticity as a result.

Therefore, if the applicant and the FSDO have identical copies of the letter of verification of authenticity from the FAA's Airmen Certification Branch, AFS-760, that indicate the applicant's foreign pilot license and medical license has been verified and is "valid," then that will meet the requirements of § 61.75(a) and (b) [i.e., "... A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may ..."].

{Q&A-568}

QUESTION: Is it permissible to be issued our U.S. pilot certificate on the basis of the person's foreign pilot license by permitting the applicant to use a current FAA medical certificate if the applicant's foreign medical license has expired?

ANSWER: Ref. § 61.75(b)(4); If the verification from the foreign civil aviation authority states that the foreign pilot license is valid, but the foreign medical license has expired then in accordance with § 61.75(b)(4), it is permissible to accept the FAA medical certificate as meeting the requirement for a current medical certificate. If the foreign civil aviation authority specifically states [*emphasis added: it must state it on the foreign pilot license*] that the foreign pilot license is not valid because the medical endorsement/license has expired, then a U.S. pilot certificate may not be issued to the applicant.

{Q&A-568}

QUESTION: Does a person who gets issued a U.S. private pilot certificate that was based on a foreign private pilot license (or a higher pilot license level) have to comply with the flight review and recency of experience requirements of 14 CFR Part 61 before exercising the privileges of his/her U.S. private pilot certificate? If the person accomplished a flight review in his/her foreign country with a foreign flight instructor or a foreign pilot examiner, will that suffice for the 14 CFR § 61.56(c) flight review?

ANSWER: Ref. § 61.56(c)(1) and § 61.41(b); Before a person exercises the privileges of a U.S. pilot certificate, that person must be in compliance with the appropriate pilot certification requirements of 14 CFR Part 61. The person must comply with the flight review requirements, recency of experience requirements, required logbook entries, etc., of 14 CFR Part 61. The flight review must have been administered by a holder of FAA Flight Instructor Certificate with the appropriate ratings before the pilot may exercise the privileges of his/her U.S. pilot certificate. A flight review/proficiency check that was administered by a foreign flight instructor or a foreign pilot examiner does not count for meeting the flight review requirements of § 61.56(c).

{Q&A-568}

QUESTION: Must the verification request form have the foreign person's signature?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2 and the FAA's AFS-760 website at:
<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes, the verification request form must have the foreign person's signature. The Verification of Authenticity form has a block for the person's signature that states "*I hereby authorize the issuing CAA to provide all pertinent information to the FAA. Signature of the Applicant.*" The reason the verification request form must have the

foreign person's signature is because some foreign civil aviation authorities have instructed the FAA's Airmen Certification Branch, AFS-760, that it must have the person's signature in order to release verification information.
{Q&A-568}

QUESTION: Can a person FAX the Verification of Authenticity form for requesting issuance of a U.S. pilot certificate, a copy of his/her foreign pilot license, and an English transcription of that license (if the license is not written in English) to the FAA's Airmen Certification Branch, AFS-760?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2 and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes, a FAX request will be acceptable.
{Q&A-568}

QUESTION: How would the applicant request a change of locations of the FAA FSDO where he/she intends to make application for his/her U.S. pilot certificate?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2 and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

The applicant may request a change of location of the FAA FSDO where he/she intends to make application for his/her U.S. pilot certificate by sending a facsimile or a letter to the FAA's Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125; [AFS-760's FAX number is (405) 954-9922]. AFS-760 will then send the applicant's verification of authenticity letter to the newly designated FSDO.
{Q&A-568}

QUESTION: In § 61.73(b)(3)(ii), it provides for 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 to be issued a U.S. commercial pilot certificate with the associated aircraft/instrument rating. Do these foreign military pilots have to go through the verification of authenticity process outlined in FAA Order 8700.1, Vol. 2, Chapter 29.

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes. But as a point of clarification to my answer, the rule that governs the issuance of a U.S. pilot certificate to 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 is 14 CFR § 61.73(b)(3)(ii).
{Q&A-568}

QUESTION: Do the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 apply to persons who are applying for a U.S. pilot certificate/rating(s) and are not applying on the basis of their foreign pilot license?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

No, The procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 do not apply to a person who is applying for a U.S. pilot certificate/rating(s) and is not applying on the basis of their foreign pilot license. A person who is applying for a U.S. pilot certificate/rating(s) on the basis of meeting the appropriate Part 61 certification

requirements and is not using their foreign pilot license as the basis for the application then that person need not comply with the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29. However, this answer may be subject to change in the future because the Transportation Security Agency is constantly requiring the FAA to make changes on the basis of National security. At this time there are several proposals under consideration that may require the FAA to change its application and certification process for non-U.S. citizens. The United States is at war and have been ever since September 11, 2001, so we may need to revise our policies and procedures in the future in the interest of National security. If there needs to be a change to our application and certification process for non-U.S. citizens, the Airmen Certification Branch, AFS-760 and the Certification Branch, AFS-840 are the responsible offices for notifying you.

{ Q&A-568 }

QUESTION: How does an applicant comply with the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 if the person is intending to accomplish the practical test with a designated pilot examiner? The person is applying for the U.S. pilot certificate/rating(s) on the basis of their foreign pilot license.

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

The applicant will still be required to initiate the application process with the FAA's Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125-0082. AFS-760 will still send the verification of authenticity letter to the designated Flight Standards District Office that the applicant designated when he/she initiated the application process with AFS-760.

If the applicant goes to an examiner outside the designated Flight Standards District Office's area of jurisdiction, this will require the examiner and the designated Flight Standards District Office to communicate with one another prior to conducting the practical test. The process will be more efficient if the applicant uses an examiner who resides in the Flight Standards District Office's area of jurisdiction that the applicant designated when he/she initiated the application process with AFS-760. The coordination will be much simpler if the applicant takes the practical test/certification process with an examiner who resides in that designated Flight Standards District Office's area of jurisdiction.

The examiner will ensure the applicant is in possession of the verification of authenticity letter before beginning the practical test/certification procedure. The applicant's verification of authenticity letter may be an original or a facsimile of the verification of authenticity letter that was received from an FAA Flight Standards District Office or from the FAA's Airmen Certification Branch, AFS-760. The examiner will administer the practical test/certification procedure, and will complete the FAA Form 8710-1 application in the area noted as the "Designated Examiner or Airman Certification Representative Report" or "Evaluator's Record (Use for ATP Certificate and/or Type Ratings)," as appropriate, and the Temporary Airman Certificate - FAA Form 8060-4. The designated pilot examiner will give the copy of the Temporary Airman Certificate - FAA Form 8060-4 to the applicant and forward the completed FAA Form 8710-1 application, and the original copy of the Temporary Airman Certificate - FAA Form 8060-4, and the applicant's verification of authenticity letter to the designated Flight Standards District Office. Pilot Examiners using the ACRA program can mail application packages directly to the Airmen Certification Branch, AFS-760.

After the designated Flight Standards District Office completes the area noted as "Aviation Safety Inspector or Technician Report" on the FAA Form 8710-1 application and completes the appropriate procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29, the application package will be mailed to the Airmen Certification Branch, AFS-760 for issuance of the permanent certificate.

Although the instructions in FAA Order 8700.1, Vol. 2, Chapter 29 state the applicant must furnish the original verification of authenticity letter when making application for a U.S. pilot certificate/rating(s), a facsimile of the verification of authenticity letter from an FAA Flight Standards District Office or from the FAA's Airmen Certification Branch, AFS-760, is considered an original verification of authenticity letter.

{ Q&A-568 }

QUESTION: Can examiners who were authorized to issue the § 61.75 private pilot certificate/rating prior to the issuance of FAA Order 8700.1, Vol. 2, Chapter 29 now once again begin to issue the § 61.75 private pilot certificate/rating(s)?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes. Pilot examiners who are authorized to issue the § 61.75 private pilot certificate/rating will ensure the applicant is in possession of the verification of authenticity letter before beginning the practical test/certification procedure. The examiner may administer the certification procedure, and will complete the FAA Form 8710-1 application in the area noted as the "Designated Examiner or Airman Certification Representative Report" and the Temporary Airman Certificate - FAA Form 8060-4. The designated pilot examiner will forward the completed FAA Form 8710-1 application, and the original copy of the Temporary Airman Certificate - FAA Form 8060-4, and the applicant's verification of authenticity letter to the designated Flight Standards District Office. These instruction do not apply to ACRA users who can send applications directly to the FAA's Airman Certification Branch, AFS-760. The Designated Examiner will give the copy of the Temporary Airman Certificate - FAA Form 8060-4 to the applicant.
{Q&A-568}

QUESTION: An applicant initiates the application process with AFS-760 for a § 61.75 Private Pilot Certificate for an Airplane Single Engine Land rating. The applicant receives the verification of authenticity letter from AFS-760 and the date month on the letter is September 1, 2002. The letter expires after 6 calendar months (i.e., expires at 12:00:01 am on March 1, 2003). During the time the applicant was waiting to receive his verification of authenticity letter from AFS-760, he earned an Instrument - Airplane rating on his foreign pilot license. The applicant receives his § 61.75 Private Pilot Certificate on September 1, 2002. Can the applicant use that same verification of authenticity letter, dated September 1, 2002, to also apply for the Instrument - Airplane rating on his § 61.75 Private Pilot Certificate provided he makes application for the added Instrument - Airplane rating on or before 11:59:59 pm on February 28, 2003?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes, the applicant may use the same verification of authenticity letter, dated September 1, 2002, to also apply for the Instrument - Airplane rating on his § 61.75 Private Pilot Certificate provided the applicant makes application for the added Instrument - Airplane rating on or before 11:59:59 pm on February 28, 2003. However, because the original verification may not have shown Instrument - Airplane rating on his foreign pilot license, the applicant's verification letter must show holding an Instrument - Airplane rating on his foreign pilot license.
{Q&A-568}

QUESTION: An applicant initiates the application process with AFS-760 for a § 61.75 Private Pilot Certificate for an Airplane Single Engine Land rating. The applicant receives the verification of authenticity letter from AFS-760 and the date month on the letter is September 1, 2002. The letter expires after 6 calendar months (i.e., expires at 12:00:01 am on March 1, 2003). During the time the applicant was waiting to receive his verification of authenticity letter from AFS-760, he earned an Instrument - Airplane rating on his foreign pilot license. The applicant wants to receive his § 61.75 Private Pilot Certificate on October 1, 2002 and then come back in on or before 12:00:01 am on March 1, 2003 (after he studies for the Instrument Foreign Pilot knowledge test) and take the Instrument Foreign Pilot knowledge test and apply for the Instrument - Airplane rating to be added to his § 61.75 Private Pilot Certificate. Can the applicant use the verification of authenticity letter, dated September 1, 2002, to also apply for adding the Instrument - Airplane rating on his § 61.75 Private Pilot Certificate even though the application is being done 30 days after the date he received his § 61.75 Private Pilot Certificate?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes, the applicant may use the same verification of authenticity letter, dated September 1, 2002, to also apply for the Instrument – Airplane rating on his § 61.75 Private Pilot Certificate. And even though you didn't ask, if the applicant arrives at the designated FSDO on or before 11:59:59 pm on February 28, 2003, and starts the process for adding the Instrument – Airplane rating on his § 61.75 Private Pilot Certificate, the person will have met the 6 calendar month time limit even if the paperwork doesn't get sent to AFS-760 until days later. However, because the original verification may not have shown Instrument – Airplane rating on his foreign pilot license, the applicant's verification letter must show holding an Instrument – Airplane rating on his foreign pilot license.
{Q&A-568}

QUESTION: An applicant holds a § 61.75 Private Pilot Certificate and an Instrument - Airplane (U.S. Test Passed) on that certificate. The applicant does not want to wait the amount of time it takes to complete the verification check and elects to complete the entire certification process for an unrestricted U.S. Private Pilot Certificate because the applicant is ultimately seeking to apply for a U.S. Commercial Pilot Certificate. The applicant continues on with the training and certification for a U.S. Commercial Pilot Certificate. The applicant applies for the U.S. Commercial Pilot Certificate on the basis of their unrestricted U.S. Private Pilot Certificate. Can the applicant have the Instrument - Airplane (U.S. Test Passed) transferred over onto their U.S. Commercial Pilot Certificate without being required to comply with the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Yes, the applicant may have their Instrument – Airplane (U.S. Test Passed) transferred over onto their U.S. Commercial Pilot Certificate without going through the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29.
{Q&A-568}

QUESTION: What do you do if the applicant holds dual citizenship and the names shown on one passport shows the ethnic spelling one way and on the other passport shows a different ethnic spelling? Like that one applicant who applied on the basis of his Icelandic pilot certificate and had different spellings of his name on the basis of country of origin and he wanted his U.S. pilot certificate to show his U.S. name which was different than his Icelandic name?

ANSWER: FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

Every so often you will be involved in an unusual situation. When an unusual situation comes up, you need to ask for guidance because the information in this FAA Order cannot cover every possible conceivable situation. You need to ask. The first person you need to ask is your supervisor. If the supervisor does not know the answer, then the Airmen Certification Branch, AFS-760, is the responsible Flight Standards Service office for administering the verification of authenticity process for foreign pilots. The Certification Branch, AFS-840, is the responsible Flight Standards Service office for pilot certification issues.
{Q&A-568}

QUESTION: May a person who holds a § 61.75 restricted U.S. Commercial Pilot Certificate, that was issued prior to August 4, 1997, eligible to make application for a CFI certificate on the basis of holding “. . . a commercial pilot certificate . . .” as provided for in 14 CFR § 61.183(c)? The scenario is a foreign pilot that holds a 14 CFR § 61.75 U.S. restricted Commercial Pilot Certificate (i.e., that was issued on the basis of that person's foreign Commercial Pilot License) and that 14 CFR § 61.75 restricted U.S. Commercial Pilot Certificate was issued prior to August 4, 1997 (i.e., the date the new Part 61 became effective).

ANSWER: Ref. 14 CFR § 61.183(c) FAA Order 8700.1, Chapter 29, Section 2, and the FAA's AFS-760 website at:

<<http://registry.faa.gov/docs/verify61-75.pdf>>

The answer is no, a person who holds a 14 CFR § 61.75 restricted U.S. Commercial Pilot Certificate is not eligible to make application for a flight instructor certificate on the basis of that 14 CFR § 61.75 restricted U.S. Commercial Pilot Certificate. When that 14 CFR § 61.75 U.S. restricted Commercial Pilot Certificate was issued, the old 14 CFR § 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 14 CFR § 61.75 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 the 14 CFR § 61.75 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.

{Q&A-568}

QUESTION: My question involves whether the procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 apply to this German citizen who currently holds a § 61.75 private pilot certificate that lists the license number of his old German pilot license. His new German pilot license has a different number. The person wants to correct his § 61.75 private pilot certificate and have it reissued to reflect the license number of his new German pilot license. Do the application requirements and procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 apply?

ANSWER: Ref. § 61.75(a) and (b)(2) and FAA Order 8700.1, Vol. 2, Chapter 29, Section 2; Yes, the application requirements and procedures set forth in FAA Order 8700.1, Vol. 2, Chapter 29 apply even if the application is for a re-issuance of a § 61.75 private pilot certificate on account of a numbering change in the person's foreign pilot license.

{Q&A-522}

QUESTION: We have a person who holds a foreign pilot license at the ATP certification level with an Airplane Multiengine Land rating with type ratings in the B757 and B767. But the foreign pilot license is restricted in that it only authorizes the pilot "First Officer" privileges. Meaning, it only authorizes the pilot SIC privileges. Therefore, the person's foreign pilot license restricts the person from PIC privileges. This person cannot show having ever logged any solo flight time or PIC flight time. This person is seeking to apply for a restricted U.S. Private Pilot Certificate in accordance with § 61.75(a). Since the person's foreign pilot license only authorizes SIC privileges, can a restricted § 61.75(a) U.S. Private Pilot Certificate be issued?

ANSWER: Ref. § 61.75(b)(2)(ii); No. Do not issue this person a restricted § 61.75(a) U.S. Private Pilot Certificate. This person's foreign pilot license does not qualify him to be issued a restricted § 61.75(a) U.S. Private Pilot Certificate due to the limitation indicating all of the standards of ICAO for the license have not been met.

This person is a holder of a foreign pilot license that does not meet the standards of ICAO. Per paragraph 2.3.1.3.2 of ICAO Annex 1, Personnel Licensing, in order for a person to qualify for a private pilot license that person must have logged at least 10 hours of solo flight time. Despite being a holder of a foreign Airline Transport Pilot license with an Airplane Multiengine Land rating with type ratings in the B757 and B767, this person's foreign pilot license restricts him to SIC privilege only. This person's flight records do not show any solo flight time or PIC flight time nor does this person's foreign pilot license authorize him PIC privileges. Therefore, this person's foreign pilot license would be considered as having "... not met all of the standards of ICAO for that license." [see § 61.75(b)(2)(ii)].

{Q&A-498}

QUESTION: Since at least 1990, the FAA's Airmen Certification Branch, AFS- 760, has allowed pilots who fly for Saudi Arabia Airlines and are applying for a U.S. pilot certificate and/or rating to use a P.O. Box address in Saudi

Arabia on their airman certificate instead of requiring them to give their residential address. In light of what has occurred on September 11 and the reported use by some of the terrorist hijackers of having used a P.O. Box, do we want to continue this practice?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(1) and (2); § 61.35(a)(2)(iv); and § 61.60; From this date forward, all applicants must comply with the identification/residential address requirements of FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(1) and (2), when making application for an airman certificate.

As per FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5. B. (1) and (2), it states:

- (1) All applicants for airman certificates must apply in person and present positive identification at the time of application. Such identification must include an official photograph of the applicant, the applicant's signature, and the applicant's residential address, if different from the mailing address. This information may be presented in more than one form of identification.
- (2) An inspector shall not accept a post office address on an airman certificate application unless the applicant resides on a rural route, a boat, or in some other location that requires the use of a post office box or rural route number for an address. If this is the case, until FAA Form 8710.1 is revised, the applicant must disclose this information on a separate piece of paper and attest to the circumstances by signature. Once FAA Form 8710.1 has been revised, this separate disclosure will no longer be necessary.

Therefore, the FAA shall not accept an airman certificate application with a post office address unless the situation requires it. The only situation that allows for using a post office address is stated in FAA Order 8700.1, Vol. 2, chapter 1, paragraph 5.B.(2) where it states: "... unless the applicant resides on a rural route, a boat, or in some other location that requires the use of a post office box or rural route number for an address . . ." And then if this is the situation, the FAA's guidance on handling this kind of situation is addressed in AC 61-65D on page 4 under paragraph 7.B. where it states:

"b. Address. A temporary mailing address for delivery of the certificate may be indicated on a separate statement attached to the application. However, the address required for official record purposes as shown on an airman application for a certificate must represent the airman's actual permanent residential street address, including apartment number, etc., when appropriate. An alternate mail delivery service address (commercial mail box provider), flight school, airport office, etc., is not acceptable. A post office box or rural route number is not acceptable as permanent residence on an application unless there are unavoidable circumstances that require such an address. An applicant, residing on a rural route, in a boat or mobile (recreational) vehicle, or in some other manner that requires the use of a post office box or rural route number for an address, must attest to the circumstances by signing a statement on a separate sheet of paper. The information provided must include sufficient details to ensure identification of the geographical location of the airman's residence. If necessary to positively identify the place of residence, the applicant may be required to provide a hand-drawn map that clearly shows the location of the residence. When the residence is a boat or other mobile vehicle, the registration number, tag number, etc., and dock or park location must be provided. When applying for the practical test for an airman certificate, a post office address may be specified for use on the certificate issued. A signed request must be submitted with the application for this purpose. The permanent residence address must be shown in the manner specified above."

{Q&A-461}

QUESTION: I have just had an Australian pilot come in for a § 61.75 U.S. private pilot certificate and wishes to add instrument privileges on the basis of an Australian instrument rating. The problem is that when he went to a testing station, they did not give him the short knowledge test. Instead, they gave him the full Instrument written, which he passed. On the basis of that long written may I allow him the instrument privileges on his U.S. restricted private certification?

ANSWER: Ref. § 61.75(d)(2) and FAA Order 8080.C, page 7-4, paragraph 7-10 b; Per § 61.75(d)(2); No, he must have passed "... the appropriate knowledge test . . ." The appropriate knowledge test is the Instrument

Rating-Foreign Pilot (IFP) knowledge test. The applicant must pass the Instrument Rating-Foreign Pilot knowledge test [i.e., "... passes the appropriate knowledge test ..." as per § 61.75(d)(2)]. Per FAA Order 8080.C, page 7-4, paragraph 7-10 b., it states "An initial or added rating instrument knowledge test cannot be substituted for the IFP knowledge test". Therefore, the Instrument Rating-Foreign Pilot Knowledge Test (IFP) is the only "... the appropriate knowledge test ..."

{Q&A-466}

QUESTION: Situation, a foreign person who holds the following Polish Commercial Pilot License and a restricted U.S. Commercial Pilot Certificate (that was issued prior to August 4, 1997):

U.S.
Commercial Pilot Certificate
Airplane Single-engine Land
Instrument-Airplane

Poland
Commercial Pilot License
Airplane Single-engine Land
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 Polish License No. 5551212.
All limitations and restrictions on the Polish Pilot License apply.

The foreign pilot holds the Instrument Airplane rating on his restricted U.S. Commercial Pilot Certificate because he accomplished our Instrument Foreign Pilot (IFP) knowledge test when he was originally issued his restricted U.S. Commercial Pilot Certificate. This foreign pilot now wants to add an AMEL rating onto his existing restricted U.S. Commercial Pilot Certificate by taking the additional AMEL class rating practical test at the commercial pilot certification level. The applicant does not hold an AMEL rating on his Polish commercial pilot license.

May this foreign pilot applicant apply for the additional AMEL class rating at the commercial pilot certification level to be added to his restricted U.S. Commercial Pilot Certificate by merely accomplishing our additional AMEL class rating practical test?

Is this foreign pilot required to accomplish the Commercial Pilot-Airplane knowledge test before applying for the additional AMEL class rating at the commercial pilot certification level to be added to his restricted U.S. Commercial Pilot Certificate?

Is this applicant required to meet the aeronautical experience requirements of § 61.129(b) before applying for the additional AMEL class rating at the commercial pilot certification level to be added to his restricted U.S. Commercial Pilot Certificate?

Will this applicant have instrument privileges in the multiengine airplane upon successfully completing the requirements?

ANSWER: Ref. § 61.75(a) and (c) and FAA Order 8700.1, Volume 2, page 29-2, paragraph 5.H.(4) and M;

No. The applicant cannot apply for the additional AMEL rating at the commercial pilot certification level. The applicant may only apply for the AMEL rating at the private pilot certification level. Per § 61.75(a) "... may apply for and be issued a private pilot certificate ..." And per § 61.75(c), an applicant may be issued additional aircraft ratings "... after testing under the provisions of this part, may be placed on that person's U.S. pilot certificate." In accordance with the regulation (as revised 8/4/1997), all additional aircraft ratings to any restricted certificate must be issued at the private pilot privilege level. Because this foreign pilot is asking to add this additional AMEL rating onto his restricted U.S. Commercial Pilot Certificate, the AMEL rating will be issued at "Private Pilot Privileges."

NOTE 1: FAA Order 8700.1, Volume 2, page 29-2, paragraph 5. H.(4) states, in pertinent part:

"(4) Aircraft and instrument ratings may be added to a pilot certificate issued on the basis of a foreign pilot license upon compliance with the appropriate requirements of Part 61. Each rating added to the temporary

airman certificate must have the notation "U.S. TEST PASSED" immediately following the rating to which the notation applies. The required flight experience must be shown on FAA Form 8710-1, Airman Certificate and/or Application, and submitted to AFS-760 for processing. Do not indicate "INSTRUMENT AIRPLANE U.S. TEST PASSED" on the pilot certificate if only the knowledge test has been passed."

The applicant is not required to accomplish the Private Pilot-Airplane knowledge test (nor Commercial Pilot-Airplane knowledge test). The applicant is merely adding an additional AMEL class rating at the private pilot level, and per § 61.63(c)(5) is not required to accomplish an additional knowledge test.

The applicant is required to meet and show the private pilot aeronautical experience requirements of § 61.109(b) on the submitted application in accordance with the Note 1 excerpt from FAA Order 8700.1 shown above. Private pilot experience is appropriate since the rating will be at the private pilot privilege level, rather than the commercial aeronautical experience requirements of § 61.129(b).

The applicant's rating "Private Pilot Privileges - Airplane Multiengine Land (U.S. Test Passed)" will be issued with the limitation "VFR Only" unless the applicant complies 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."

If the TASKS B, C, & D are not accomplished, 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- Airplane Multiengine Land VFR Only

Issued on the basis of and valid only when accompanied by Polish License No. 5551212.

All limitations and restrictions on the Polish Pilot License apply.

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.

NOTE 2: If the TASKS B, C, & D are accomplished, 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

Issued on the basis of and valid only when accompanied by Polish License No. 5551212.

All limitations and restrictions on the Polish Pilot License apply.

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.

NOTE 3: 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 (meaning, receive the required ground and flight training and satisfactorily accomplish the required knowledge and practical test). And then he'll be issued an unrestricted U.S. Commercial Pilot Certificate with an AMEL rating. And an Instrument-Airplane rating if he concurrently complies with § 61.65(a). If the instrument rating is not acquired, the commercial certificate will be limited per § 61.133.

{Q&A-445}

QUESTION: Situation, we have a foreign person who holds the following Polish Commercial Pilot License and a restricted U.S. Private Pilot Certificate (issued on or after August 4, 1997):

U.S.

Private Pilot Certificate
Airplane Single Engine Land
Issued on the basis of and valid only when accompanied
by Polish License No. 5551212. All limitations and
restrictions on the Polish Pilot License apply.

Poland

Commercial Pilot License
Airplane Single Engine Land
Instrument-Airplane

This foreign pilot now wants to add an AMEL rating onto his existing restricted U.S. Private Pilot Certificate by taking the additional AMEL class rating practical test at the private pilot certification level. The applicant does not hold a AMEL rating on his Polish commercial pilot license.

May this foreign pilot applicant apply for the additional AMEL class rating practical test at the private pilot certification level to be added to his restricted U.S. Private Pilot Certificate?

Is this foreign pilot required to accomplish the Private Pilot-Airplane knowledge test before applying for the additional AMEL class rating practical test at the private pilot certification level to be added to his restricted U.S. Private Pilot Certificate?

Is this applicant required to meet the aeronautical experience requirements of § 61.109(b) before applying for the additional AMEL class rating practical test at the private pilot certification level to be added to his restricted U.S. Private Pilot Certificate?

ANSWER: Ref. § 61.75(a) and (c) and FAA Order 8700.1, Volume 2, page 29-2, paragraph 5.H.(4) and M;

Yes. The applicant may apply for the additional AMEL rating at the private pilot certification level. Per § 61.75(a) “. . . may apply for and be issued a private pilot certificate . . .” And per § 61.75(c), an applicant may be issued additional aircraft ratings “. . . after testing under the provisions of this part, may be placed on that person's U.S. pilot certificate.”

The applicant is not required to accomplish the Private Pilot-Airplane knowledge test. The applicant is merely adding an additional AMEL class rating, and per § 61.63(c)(5) is not required to accomplish an additional knowledge test.

The applicant is required to meet and show the private pilot aeronautical experience requirements of § 61.109(b) on the submitted application in accordance with FAA Order 8700.1. [See Note 1 in the previous answer].

And as always, a foreign pilot may apply for an unrestricted U.S. Private Pilot Certificate for the AMEL rating (emphasis added unrestricted U.S. Private Pilot Certificate) by complying with the same eligibility requirements (i.e., § 61.103) that we U.S. citizens must comply with.

Note that in this scenario the pilot had apparently not taken the Instrument Foreign Pilot (IFP) knowledge test and does not have instrument privileges on the restricted certificate.

The re-issued restricted U.S. Private Pilot Certificate will read as follows:

Private Pilot Certificate
Airplane Single-engine Land
Private Pilot Privileges - Airplane Multiengine Land (U.S. Test Passed)
Issued on the basis of and valid only when accompanied
by Polish License No. 5551212. All limitations and
restrictions on the Polish Pilot License apply.
{Q&A-445}

COMMENTS: Ref. § 61.75(e)(3); First of all, I have to qualify all my answers with this introductory, clarifying information because there are many, many countries throughout the world and the same many numbers of foreign aviation authorities. I think I read somewhere where there are approximately 168+ countries or so as of the last count that are ICAO member states! And each of these foreign aviation authorities issue all kinds of limitations/restrictions on their pilot licenses. For example, I have been told there are some foreign aviation authorities that restrict the ratings on their pilot licenses to whatever specific make and model the person qualified for the pilot license. Meaning, if a person qualified for his/her foreign pilot license in a Cessna 172, the foreign pilot license will state Private Pilot License rated for Cessna 172. And then when the foreign pilot checks out in another airplane, that specific make and model gets added to the person's foreign pilot license. If this were the case, then that foreign pilot license holder is restricted to only flying those aircraft for which his/her pilot foreign pilot license authorizes when that person is exercising his/her restricted U.S. pilot certificate [i.e., § 61.75(e)(3)].

Or I've been told that some foreign aviation authorities restrict their ratings by applying a complexity scheme to the aircraft ratings on the foreign pilot license. So, if this were the case then that person is restricted to only flying those aircraft for which his/her foreign pilot license authorizes when that person is exercising his/her restricted U.S. pilot certificate [i.e., § 61.75(e)(3)].

And some foreign aviation authorities specifically restrict their pilots from operating an aircraft to certain flight conditions unless the person holds a more advanced operating privilege on their foreign pilot license. Again, if this were the case then that person is restricted to those flight conditions for which his/her foreign pilot license authorizes when that person is exercising his/her restricted U.S. pilot certificate [i.e., § 61.75(e)(3)].

Some foreign aviation authorities even restrict their pilot licenses to operating within certain geographic boundaries until the person gains additional piloting experience. I was recently read a foreign pilot license that restricted the foreign pilot to flights within that foreign country's national borders. If a foreign license with such limitation is presented to the FAA we wouldn't even issue that foreign pilot our restricted U.S. pilot certificate. Even if we did, the pilot would have no pilot privileges in the U.S.

And then whatever I say here in answering your questions, it doesn't even address the process for allowing a foreign pilot who is issued a restricted U.S. private pilot certificate to earn additional ratings on his/her U.S. private pilot certificate by passing a knowledge test when appropriate and a practical test resulting in the notation: "U.S. Test Passed" [per, FAA Order 8700.1, paragraph 5.H(4)]. Nor will my answer address the standard pilot certification process for a foreign pilot to earn a standard U.S. pilot certificate and ratings [i.e., FAA Order 8700.1, paragraph 5.F(b)].

So, your questions have many variables to consider! So whatever answers I provide here, there may be other scenarios that may require me to alter my answers. And it also comes down to the specific foreign pilot's license and what restrictions/limitations are on that foreign pilot license if any are listed.

QUESTION: The foreign State's civil aviation regulations do not have a regulatory equivalent to 14 CFR § 61.31. That is, the State does not, for example, require that a license holder have a specific endorsement (or rating) for complex, high performance, high altitude, or tailwheel aircraft. Nor, in this scenario has the pilot ever flown, or logged time, in an aircraft equivalent to one of those specified in § 61.31(e) - (g) and (i). The pilot has never flown a complex, high performance, high altitude or tailwheel aircraft.

ANSWER: Ref. § 61.31(e), (f), (g), and (i); The foreign pilot would have to accomplish the additional aircraft training/qualification requirement as set forth in paragraphs (e), (f), (g), and (i) of § 61.31, as appropriate.

When a person receives a U.S. pilot certificate on the basis of holding a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation [i.e., § 61.75(a)], and when that person is exercising the privileges of his/her U.S. pilot certificate, that person is required to comply with our U.S. additional aircraft training requirements that are contained in § 61.31. Notice in each of these rules in § 61.31(e), (f), (g), and (i), they all generally state the same phraseology of "... no person may act as pilot in command of a ... unless that person has received and logged flight training from an authorized instructor ...". So, in order to be considered to have met the additional aircraft training requirements or have met the required prior PIC experience as stated in

paragraphs (e), (f), (g), and (i) of § 61.31, the foreign pilot must either show compliance with these additional aircraft training requirements of paragraphs (e)(1), (f)(1), (g)(1) and (2), and (i)(1) of § 61.31, as appropriate or show compliance with the prior PIC experience requirements of paragraphs (e)(2), (f)(2), (g)(3), and (i)(2) of § 61.31, where applicable.

For example, a person holds a foreign private pilot license with an airplane single-engine land rating. The FAA has issued that foreign pilot a restricted U.S. Private Pilot Certificate with an Airplane Single-engine Land rating in accordance with § 61.75(a). As you have stated in your question, the foreign pilot's aviation authority does not have additional aircraft training requirements to operate a tailwheel airplane like the United States has in paragraph (i) of § 61.31. When that foreign pilot is exercising his/her U.S. Private Pilot Certificate, that person is required to have complied with paragraph (i) of § 61.31. And the same goes for the additional aircraft training requirements as set forth in paragraphs (e), (f), and (g) of § 61.31, as appropriate, if the foreign pilot wants to be a PIC on a complex airplane, high performance airplane, pressurized airplane, and type specific aircraft training while exercising his/her U.S. pilot certificate.

{Q&A-428}

QUESTION: As in scenario No. 1, the foreign State's civil aviation regulations do not have a regulatory equivalent to 14 CFR § 61.31. But, in this scenario the pilot HAS received training in and flown and logged time in an aircraft equivalent to one or more of those specified in § 61.31(e) – (g) and (i). The pilot has flown (by U.S. definition) a complex, high performance, high altitude or tailwheel aircraft.

ANSWER: Ref. § 61.31(e), (f), (g), and (i); You stated the foreign pilot has complied with the additional aircraft training requirements, as set forth in paragraphs § 61.31 and “. . . HAS received training in and flown and logged time in an aircraft equivalent to one or more of those specified in § 61.31(e) – (g) and (i), as appropriate. The pilot has flown (by U.S. definition) a complex, high performance, high altitude or tailwheel aircraft.”

However, § 61.31 requires, in pertinent part, that a pilot has “. . . received and logged flight training from an authorized instructor in a [complex airplane], [high performance airplane], [pressurized aircraft capable of operating at high altitudes] [tailwheel airplane],” as appropriate, “. . . and received an endorsement in the person's logbook from an authorized instructor.” And the exception requirement for prior aeronautical experience is for previously logged PIC flight time. So my answer to your question is predicated on whether the pilot received the training from an authorized instructor and has received the endorsement that certifies the pilot is proficient. Or has the pilot logged PIC flight time (emphasis added PIC flight time) prior to the dates stated in § 61.31.

For example, a foreign pilot from Canada presents his/her logbook that shows he has received and logged ground and flight training from an authorized instructor (i.e., Canadian flight instructor) in a complex airplane. And that Canadian foreign pilot has an endorsement in his/her logbook from his/her Canadian flight instructor that certifies the person is proficient to operate a complex airplane. In this situation, the Canadian foreign pilot is qualified to operate a complex airplane when exercising his/her U.S. pilot certificate.

Another example, a foreign pilot from Mexico presents his/her logbook that shows having logged PIC flight time in a Cessna 210RG prior to August 4, 1997. In this situation, that foreign pilot meets the requirements of § 61.31(e)(2) and is qualified to operate a complex airplane when exercising his/her U.S. pilot certificate. And because the Cessna 210RG is also a high performance airplane, the requirements of § 61.31(f)(2) to operate a high performance airplane when exercising his/her U.S. pilot certificate have also been met.

{Q&A-428}

QUESTION: The foreign State's civil aviation regulation DOES have a regulatory equivalent to 14 CFR § 61.31. That is, the State does, for example, require that a license holder have training in, and a specific logbook or license endorsement (or rating) for, complex, high performance, high altitude, or tailwheel aircraft. But, in this scenario the pilot has not ever flown, nor logged time, in an aircraft equivalent to one of those specified in § 61.31(e) – (g) and (i) the pilot has never flown a complex, high performance, high altitude, or tailwheel aircraft. His flying experience has been limited to non-§ 61.31 aircraft (e.g. Cessna 152s, 172s, PA 28-150s, BE-23s, etc.).

ANSWER: Ref. § 61.31(e)(1), (f)(1), (g)(1) and (2), and (i)(1), as appropriate; First of all as I stated in the introductory paragraphs of my overall answers above, you have to look at the foreign pilot's license to determine whether the foreign pilot can even qualify for this additional operating privilege since his/her foreign pilot license may have limitations/restrictions placed on the license that may not authorize him/her to fly these additional aircraft.

But for the sake of simplifying this issue, lets just say the foreign aviation authority has not placed any limitations/restrictions on the foreign pilot license. Lets say the foreign pilot license is "silent" on these additional aircraft training requirements as to limitations/restrictions that have been placed on the foreign pilot license. Let's say there are no limitations/restrictions on the foreign pilot license. Lets say the foreign aviation authority treats these additional aircraft training requirements like the FAA does with its pilot certification process in § 61.31.

Therefore, the foreign pilot must comply with the appropriate additional aircraft training requirements for the aircraft that foreign pilot wishes to exercise PIC privileges while exercising his/her U.S. pilot certificate. Since the you stated in your question that the foreign aviation authority has a regulatory equivalent to the additional aircraft training requirements of 14 CFR § 61.31, the foreign pilot may return home to his foreign country and receive the additional aircraft training from his/her foreign "authorized instructor" and this will qualify him/her to exercise those aircraft operating privileges on both his foreign pilot license and his U.S. pilot license. Or the foreign pilot can obtain the additional aircraft training from a U.S. "authorized instructor" that will allow him/her to have operating privileges for that kind of aircraft when exercising his/her U.S. pilot certificate.
{Q&A-428}

QUESTION: As in scenario No. 3, the foreign State's civil aviation regulations DOES have a regulatory equivalent to 14 CFR § 61.31. And, in this scenario the pilot HAS received training, logged time, and has an endorsement (or has a rating) in an aircraft equivalent to one or more of those specified in § 61.31(e) – (g) and (i). The pilot has flown a complex, high performance, high altitude or tailwheel aircraft. And has met the foreign State's regulatory requirements with respect to the required training and logbook endorsements (or ratings), if any, for those aircraft.

ANSWER: Ref. § 61.31(e)(1), (f)(1), (g)(1) and (2), and (i)(1), as appropriate; As long as it has been determined that the foreign pilot has complied with the additional aircraft training requirements of § 61.31 then that foreign may act as a PIC for that kind of aircraft that foreign pilot wishes to exercise PIC privileges while exercising his/her U.S. pilot certificate.
{Q&A-428}

QUESTION: For the operation of U.S. registered aircraft, will the requirements of 14 CFR § 61.31 be considered to have been met if the certificate holder can show that he has met an equivalent level of training and any required endorsements and/or licensing under his foreign pilot license?

ANSWER: Ref. § 61.31(e)(1), (f)(1), (g)(1) and (2), and (i)(1), as appropriate; The answer is yes, the FAA will consider that a foreign pilot has met our additional aircraft training requirements of § 61.31 provided that foreign pilot can show having met either the additional aircraft training requirements or the prior PIC flight time, in accordance with § 61.31, for the aircraft that foreign pilot wishes to exercise PIC privileges while exercising his/her U.S. pilot certificate.
{Q&A-428}

QUESTION: For the operation of U.S. registered aircraft, will the requirements of 14 CFR § 61.31 have to be met (i.e. will the certificate holder have to get training and endorsements from a U.S. certificated CFI) if the certificate holder can not show that he has met an equivalent level of training and any required endorsements and/or licensing under his foreign pilot license?

ANSWER: Ref. § 61.31(e)(1), (f)(1), (g)(1) and (2), and (i)(1), as appropriate; The additional aircraft training and endorsement of § 61.31 does not necessarily need to be obtained from an "authorized instructor" of the United States. If the additional aircraft training and endorsement is received from a foreign flight instructor, that foreign flight instructor and where the training is received must comply with § 61.41(a)(2). Meaning it must be accomplished outside the United States.

When a person receives a U.S. pilot certificate on the basis of holding a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation [i.e., § 61.75(a)], and when that person is exercising the privileges of his/her U.S. pilot certificate, that person is required to have complied with our additional aircraft training requirements contained in § 61.31. Notice in each of these rules in § 61.31(e), (f), (g), and (i), they all generally state the same phraseology of “. . . no person may act as pilot in command of a . . . unless that person has received and logged flight training from an authorized instructor . . .” So, in order to be considered to have met the additional aircraft training requirements or have met the required prior PIC experience as stated in paragraphs (e), (f), (g), and (i) of § 61.31, the foreign pilot would have to show compliance with these additional aircraft training requirements of paragraphs (e)(1), (f)(1), (g)(1) and (2), and (i)(1) of § 61.31, as appropriate, or show compliance with the prior PIC experience requirements of paragraphs (e)(2), (f)(2), (g)(3), and (i)(2) of § 61.31, where applicable.
{ Q&A-428 }

QUESTION: We have a foreign pilot who holds an Australian Gliding Certificate and wants to apply for a restricted U.S. Private Pilot Glider Certificate.

The Australian Gliding Certificate does not have Private or Commercial printed anywhere on the certificate. This gliding certificate does not look like the Australian Flight Crew License for Private, Commercial, or ATP that is issued by the Australian Civil Aviation Safety Authority.

On the front of the gliding certificate, it has “Federation Aeronautique Internationale, Australia (The Royal Federation of Aero Clubs of Australia, Gliding Certificate.”

On the inside it has “We, the undersigned, recognized by the Federation Aeronautique Internationale as the sporting authority in Australia, certify that (name), born on (birth date), at (place of birth), having fulfilled all the conditions stipulated by the Federation Aeronautique Internationale has been granted a Gliding Certificate No. (number), the Australian Sports Aviation Confederation, (signed by) Executive Director, issued, under delegation, by the Gliding Federation of Australia.”

On another page, it has “The holder has been awarded the Silver C Badge No. (number), (signed by) F.A.I. Certificates Officer, Gliding Federation of Australia” with a photo of the certificate holder and signature.

Can we accept this Australian Gliding Certificate as a valid foreign license issued by an ICAO member state, as per § 61.75? If the Australian Gliding Certificate is acceptable, what should the Australian pilot fill in for the “Grade of License” on the FAA Form 8710-1?

This is the second foreign gliding certificate that our office has seen. Last year, a U.K. glider pilot had a Gliding Certificate with an endorsement for the F.A.I. silver height issued by the British Gliding Association. We were not familiar with the U.K. gliding certificate so we did not issue a restricted U.S. Private Pilot Glider Certificate.

ANSWER: Ref. § 61.75(a) and FAA Order 8700.1, Vol. II, page 29-2, paragraph N; Issue a U.S. Private Pilot Certificate with a Glider rating. And then the applicant should be informed that his U.S. private pilot certificate will be limited by the kinds of launch privileges authorized by his Australian glider certificate [i.e., § 61.31(j) and § 61.75(e)(3)]. Meaning, his U.S. private pilot certificate will only show the Glider rating, but the launch privileges will be restricted by what his/her Australian glider certificate authorizes for launches or qualifies her/him for.

We are aware that some countries' aviation authorities (ICAO member states only) delegate their certification responsibilities for gliders and balloons to certain groups. We have and do still honor those certificates (for glider and balloon ratings only) and issue their citizens our restricted U.S. private pilot certificates with the appropriate ratings.

{ Q&A-423 }

QUESTION: I received a reject notice from AFS-760 for failing to check the block "D." of the FAA Form 8710-1 application. The situation involves a Canadian citizen who holds a restricted U.S. Private Pilot Certificate - Rotorcraft Helicopter that was issued on the basis of § 61.75. Now this person is applying for an unrestricted U.S. Commercial Pilot Certificate - Rotorcraft Helicopter and is doing it just like any U.S. citizen would be required to do. Otherwise, the applicant took the training from a U.S. flight instructor, passed the Commercial Pilot knowledge test, and passed the Commercial Pilot Certificate - Rotorcraft Helicopter practical test required by § 61.123. Just like a U.S. citizen would be required to do! The applicant checked the box in Section II, Block A. "Completion of Required Test" of the FAA Form 8710-1 application. AFS-760 rejected the application because in addition to requiring that Section II, Block A. "Completion of Required Test" of the FAA Form 8710-1 be checked, they say procedures require that Section II, Block D. "Holder of Foreign License Issued by" on the FAA Form 8710-1 application also be checked. Keep in mind, this applicant is not applying for his unrestricted U.S. Commercial Pilot Certificate - Rotorcraft Helicopter on the basis of holding a foreign license. Requiring that box "D." be checked, is this correct? It doesn't require it in any of the guidance provided in FAA Order 8700.1.

ANSWER: Ref. § 61.75(e)(4) and § 61.123(h); This is a procedural requirement of AFS-760, because they are the responsible office within the FAA that has to go to court frequently to defend the agency issuing pilot certificates. Believe me, attorneys will leap all over the agency if we were to issue a pilot certificate when the rules prohibit it.

However, the reason for checking block "D." does make sense because the person who is applying for the Commercial Pilot Certificate - Rotorcraft Helicopter is using that restricted U.S. Private Pilot Certificate (issued on the basis of § 61.75) to meet the Commercial Pilot Certificate eligibility requirements of § 61.123(h). That Private Pilot Certificate was issued on the basis of the person holding a Canadian Pilot Certificate. Per § 61.75(e)(4), the Canadian certificate cannot be under an order of revocation or suspension. The reason that block "D." has to be checked is so when the FAA issues the Commercial Pilot Certificate we can have some assurances that the Canadian Pilot Certificate is not under an order of revocation or suspension.

{Q&A-385}

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: Ref. § 61.39(a)(6) and (c)(1); The answer is an applicant who holds at least a foreign commercial pilot license issued by a contracting State to the Convention on International Civil Aviation is not required to have the required endorsements (emphasis added: *endorsements*) of § 61.39(a)(6) and § 61.123 when applying for a standard U. S. commercial pilot certificate. § 61.39(c)(1) provides that a person is not required to comply with the provisions of § 61.39(a)(6) if that person holds a foreign-pilot license issued by a contracting State to the Convention on International Civil Aviation that authorizes at least the pilot privileges of the airman certificate sought. Therefore, § 61.39(c)(1) provides that a person is not required to have the endorsement for showing have received and logged training time within 60 days preceding the date of application in preparation for the practical test [i.e., § 61.39(a)(6)(i)]. Nor is the person required to have the endorsement to show as being prepared for the required practical test [i.e., § 61.39(a)(6)(ii)]. And nor is the person required to have the endorsement to show as having demonstrated satisfactory knowledge of the subject areas in which the applicant was deficient on the airman knowledge test [i.e., § 61.39(a)(6)(iii)]. And nor is the person required to have an instructor sign his/her FAA Form 8710-1 application.

Notice, § 61.39(a)(6) addresses the required endorsements (emphasis added: *endorsements*). No place in § 61.39(a)(6) or in paragraph (c)(1) does it allow a person who is applying for our U.S. commercial pilot certificate to be excused from complying with the required training and testing requirements of § 61.123 and the appropriate training / aeronautical experience requirements of § 61.125 and § 61.129. So, a person who is applying for one of our unrestricted U.S. commercial pilot certificates is required to have accomplished the required ground and flight training and testing in order to apply for our U.S. commercial pilot certificate. So what this means, even though the

person is excused from having the required endorsements of § 61.123(c) and (e), the person is still required to have complied with all the other eligibility and testing requirements of § 61.123 and the appropriate training / aeronautical experience requirements of § 61.125 and § 61.129. And, yes per § 61.41(a)(2), instruction received from a foreign flight instructor on the training / aeronautical experience requirements of § 61.125 and § 61.129 counts.

In these kinds of cases, it is most important that the examiner review the applicant's logbook / training record to ensure that applicant has complied with all the other eligibility and testing requirements of § 61.123 [minus the endorsement requirements of § 61.123(c) and (e)] and the appropriate training / aeronautical experience requirements of § 61.125 and § 61.129.

{Q&A-222}

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.

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 a 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 than 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. § 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 § 61.109(a)(3), which requires 3 hours of flight training maneuvering the airplane solely by reference to instruments. When questioned 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 complete the 3 hours of flight training and present 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: 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 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}

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 Herzegovina; 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 whose 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: Situation is: A foreign pilot holds a § 61.75 U.S. Private Pilot Certificate based on his foreign pilot 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: 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).
{Q&A-294}

QUESTION: 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: 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: § 61.75(b)(2)(i) 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 that 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 is 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.

QUESTIONS: In order for this foreign pilot to obtain a US Private Pilot certificate, unrestricted, must he pass a Private Pilot-Airplane knowledge test?

ANSWER: Ref. § 61.123(d); Yes, to be eligible for a "standard" US private pilot certificate the foreign pilot must pass the appropriate knowledge tests, but that is not the whole story.

Very simply, foreign pilots must meet all appropriate Part 61 requirements to obtain a standard certificate or rating. A foreign pilot who makes application for obtaining a standard U.S. pilot certificate or rating 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 -- all the same requirements that must be met by a US citizen. Training and experience obtained in a foreign country with an ICAO recognized instructor is creditable. But, our knowledge and practical tests must be satisfactorily accomplished. Again, if a foreign pilot wants an unrestricted U.S. pilot certificate or rating, then he/she 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.

QUESTION: Slightly different scenario but the situation is the foreign pilot doesn't hold an instrument rating on his/her foreign pilot license. Is it possible for the foreign pilot to obtain an Instrument Rating on the restricted § 61.75 US Private Pilot Certificate,?

ANSWER: Ref. § 61.75(d) and § 61.65(a)(1) through (8); Yes, as stated in the previous answer, the foreign pilot must meet all the appropriate Part 61 requirements per § 61.65 and after passing the practical test the restricted private pilot certificate would be reissued and the resulting restricted certificate would show "INSTRUMENT AIRPLANE (US TEST PASSED)". If a foreign pilot only accomplishes a practical test for a rating (e.g., instrument or multiengine) the rating includes the statement "U.S. Test Passed" on the restricted private pilot certificate, or if the pilot holds a restricted commercial pilot certificate (as issued prior to August 4, 1997) the rating is also limited to private pilot privileges.

The notation "US TEST PASSED" is an indication that all standard Part 61 requirements have been met for the instrument rating. If the pilot later acquires a standard private or commercial airplane pilot certificate [again, meeting all appropriate Part 61 requirements] the rating (instrument, multiengine, etc., as appropriate) will automatically be included.

In this scenario the pilot was not eligible for an Instrument Rating to be included on the US restricted Private Pilot Certificate merely taking the (short) Instrument Foreign Pilot (IFP) knowledge test per the provisions of § 61.75(d) since, as you stated, the person "DOESN'T HOLD an instrument rating on his/her foreign pilot license."

{Q&A-262}

General Guidance on § 61.75:

The FAA issues “restricted” Private Pilot Certificates per § 61.75 to fulfill our bilateral agreements to ICAO in which we have agreed to recognize other member states’ pilot licenses in exchange for them recognizing our U.S. pilot certificates.

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: 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: Ref. § 61.75(e)(3); There are two possible answers to your question depending on whether this situation is for:

- Initial issuance of a U.S. restricted Private Pilot Certificate.
- Re-issuance of a U.S. restricted Commercial Pilot Certificate.

ANSWER: Ref. § 61.75(e)(3); 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: Ref. § 61.75(e)(3); 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 existing § 61.75, it requires any new ratings be issued for Private Pilot Privileges regardless of the level of foreign pilot license held. The FAA does not take away the pilot 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.

{Q&A-242}

QUESTION: 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.
Commercial Pilot Certificate
Airplane Single-engine Land
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.

Mexico
Commercial Pilot License
Airplane Single & Multiengine Land
Instrument-Airplane

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: Ref. § 61.75(a); 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.

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.”

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.

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: 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: 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

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.

In this situation, the foreign pilot would retain their previously issued restricted U.S. Commercial Pilot Certificate.

QUESTION: As a follow-on to the previous question, what does the foreign pilot need to do to obtain his ASEL rating onto his unrestricted U.S. Commercial Pilot Certificate?

ANSWER: 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: 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: Ref. § 61.75; 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: 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 certification 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.

Commercial Pilot

Airplane Single-engine Land

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.

France

Commercial Pilot

Airplane Single-Engine Land

Instrument-Airplane

ANSWER: 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: 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: 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: 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)
Commercial Pilot Certificate
Airplane Single-engine Land
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.

Mexico
Commercial Pilot License
Airplane Single-engine Land
Instrument-Airplane

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: Ref. § 61.75(a); 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: 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: Ref. § 61.75(a); 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: 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: 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: Do we issue a reciprocal U.S. pilot certificate on the basis of a temporary foreign pilot 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: Ref. § 61.75(a); 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.

{Q&A-193}

QUESTION: 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: Ref. § 61.75(f); 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.

{Q&A-193}

QUESTION: A Norwegian pilot came in for a reciprocal § 61.75 U.S. pilot certificate. His Norwegian pilot 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: Ref. § 61.75(a); 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: What are the ICAO standards for a private or commercial pilot license with the airplane or helicopter ratings?

ANSWER: Ref. § 61.75(d)(2)(ii); 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 flight 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.

{Q&A-182}

QUESTION: Does a foreign private pilot license with the limitation "Night flying prohibited" meet ICAO standards for a U S restricted private license?

ANSWER: Ref. ICAO Annex 1, paragraph 2.4.1.3; 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."

{Q&A-182}

QUESTION: 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: Ref. ICAO Annex 1, paragraph 2.3.1.3; 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) ...”
{Q&A-182}

QUESTION: 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: Ref. ICAO Annex 1, paragraph 2.4.1.4.2; 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.”
{Q&A-182}

QUESTION: Does a foreign commercial license with the limitation “The carriage of passengers for hire in airplanes on cross-country flights in the excess of 50 nautical miles or at night is prohibited” meet ICAO standards for a commercial license?

ANSWER: Ref. ICAO Annex 1, paragraph 2.4.1.3.1.1. b; 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) ...”
{Q&A-182}

QUESTION: 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: Ref. ICAO Annex 1, paragraph 2.4.1.3.1.1. d; 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.
{Q&A-182}

QUESTION: 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: Ref. § 61.75(f); 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.”
{Q&A-182}

QUESTION: Does the Australian credit card license meet ICAO standards for a pilot license?

ANSWER: Ref. § 61.75(a); 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.
{Q&A-182}

QUESTION: Does the FAA 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 : Ref. § 61.75(a) and § 61.75(f); Yes to recognizing another ICAO member country's pilot license. Just like it reads 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 reads, 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."
{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: Ref. § 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: Years 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: Ref. § 61.75(a); 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: 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: Ref. § 61.123; Yes, provided the person meets the other requirements of § 61.123. The person can apply for the unrestricted U.S. 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 private pilot certificate based on his Lithuanian pilot certificate. He has taken the foreign pilot instrument knowledge test (IFP). Now he holds a US restricted private pilot certificate with an Airplane-Instrument and ASEL and AMEL ratings.

Now he 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: 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: 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 . . ."
{Q&A-147}

QUESTION: 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: 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!
{Q&A-147}

QUESTION: § 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 § 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: Ref. § 61.65(a); The foreign person would not qualify for our U.S. standard instrument rating (*i.e.*, US TEST PASSED) until that foreign person complies with the same instrument rating certification requirements of

§ 61.65(a) that our own U.S. citizens are required to do to get the standard 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 official representative in the foreign government's embassy may sign an English language transcription. 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: 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.

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 that 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 that 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: Ref. § 61.75(f); Per § 61.75(f), the applicant has to comply with the rule just like our U.S. citizens have to comply with their rules.

The below list of information is the what the transcription should at least contain:

Name of originating ICAO country
Name of issuing agency
Name of pilot
Grade of pilot 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: 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: Ref. § 61.75(c); Per FAA 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.
{Q&A-124}

QUESTION: 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: Ref. § 61.75(c); Yes; Per FAA 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: Is it permissible to be issued our U.S. pilot certificate on the basis of the person's foreign pilot license by permitting the applicant to use a current FAA medical certificate if the applicant's foreign medical license has expired?

ANSWER: Ref. § 61.75(b)(4); If the verification from the foreign civil aviation authority states that the foreign pilot license is valid, but the foreign medical license has expired then in accordance with § 61.75(b)(4), it is permissible to accept the FAA medical certificate as meeting the requirement for a current medical certificate. If the foreign civil aviation authority specifically states [*emphasis added: it must state it on the foreign pilot license*] that the foreign pilot license is not valid because the medical endorsement/license has expired, then a U.S. pilot certificate may not be issued to the applicant.
{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: Ref. § 61.75(b)(5); 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}

QUESTIONS: § 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 to ICAO Annex 1.” (The word “to” appears on the license, it is not my typo).

What is meant by the word “current?”

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?

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?

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?

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 § 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.

ANSWER: Ref. § 61.75(a), (a)(4), and (b)(4); We do not have any written language on the term “current” or “valid” or “valid and current.” However, for the purpose of standardization and policy, the terms “current”, “current and valid,” or “valid” mean:

- 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.
- Valid means the person's pilot certificate has not been surrendered, suspended, revoked, or expired.
- Yes, issue the certificate. Read § 61.75(b)(4).
- § 61.75(a), We said “current” but in that reference it should’ve read “valid.”
- 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).
- 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-78}

QUESTION: § 61.11(c) states: 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 § 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.

If a foreign pilot license that a US certificate is based on expires, is the US certificate valid or invalid? How can it be specified otherwise?

ANSWER: Ref. § 61.75(e)(3) or (4); The person's U.S. pilot certificate also becomes invalid.
{Q&A-78}

QUESTION: How can a restricted U.S. pilot certificate be "issued to the holder of the expired certificate only if that person meets the requirements of § 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: Ref. § 61.75(a); A § 61.75 U.S. pilot certificate can't be issued if the person's foreign license has expired.
{Q&A-78}

QUESTION: Is AFS-760 issuing any pilot certificates with the English restriction (*other than medical related*) for a pilot holding a pilot certificate previously issued before August 4, 1997 with an English language restriction?

ANSWER: Ref. § 61.75(b)(5); As a matter of policy, AFS-760 will provide to a person who has lost their § 61.75 U.S. pilot certificate?
{Q&A-78}

QUESTION: Is it permissible to issue an additional aircraft rating to an existing § 61.75 U.S. pilot certificate with an English language restriction (*other than for medical related reasons*) if the applicant is applying on the basis § 61.63(b) or (c)?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be to able read, speak, write, and understand the English language. Do not issue the additional aircraft rating unless the applicant shows satisfactory performance in being able to read, speak, write, and understand the English language.
{Q&A-78}

QUESTION: The pilot comes in to the FSDO to have the restriction removed and is still not found competent to read, speak, write, and understand the English language. If the English test is failed, does the pilot lose the original certificate?

ANSWER: Ref. § 61.75(b)(5); As a matter of policy and legal guidance from the FAA's Office of Chief Counsel, AGC-240, the pilot would be allowed to keep his/her existing § 61.75 U.S. pilot certificate with the English language restriction.
{Q&A-78}

QUESTION: The pilot wants to get a standard U.S. private pilot certificate or commercial pilot certificate and is still not competent to read, speak, write, and understand the English language?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be to able read, speak, write, and understand the English language. Do not issue the additional aircraft rating unless the applicant shows satisfactory performance in being able to read, speak, write, and understand the English language.
{Q&A-78}

QUESTION: The pilot comes back after obtaining an additional class or category ratings in his home country and wants them added to his existing § 61.75 U.S. pilot certificate, but is still not competent to read, speak, write, and understand the English language?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be able to read, speak, write, and understand the English language. Do not issue the additional aircraft rating unless the applicant shows satisfactory performance in being able to read, speak, write, and understand the English language.
{Q&A-78}

QUESTION: Conceding the lack of any statement of requirements in § 61.63 regarding being able to read, speak, write, and understand the English language, 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 aircraft class rating added to his standard certificate, but has obviously lost his English capability. Should the examiner conduct the practical test to issue the additional class as though there was no problem?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be able to read, speak, write, and understand the English language. Do not conduct the practical test for the additional aircraft rating unless the applicant shows satisfactory performance in being able to read, speak, write, and understand the English language.
{Q&A-78}

QUESTION: Is the issuance of a Notice of Disapproval appropriate, or required, if a foreign pilot appears at the FSDO to obtain a § 61.75 U.S. pilot certificate and is unable to pass a test to demonstrate competence in being able to read, speak, write, and understand the English language?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be able to read, speak, write, and understand the English language. Do not even begin the practical test.
{Q&A-78}

QUESTION: If an application is presented to a pilot examiner and the person is unable to demonstrate competence in RWS&U English (*e.g.*, resident alien), we are instructing the pilot examiners to send the person to the FSDO for the English test. The question is, should the pilot examiner issue a Notice of Disapproval?

ANSWER: Ref. § 61.75(b)(5); No, the applicant must be able to read, speak, write, and understand the English language. Do not even begin the practical test.
{Q&A-78}

QUESTION: Does § 61.75(b)(3) make a foreign pilot ineligible for a § 61.75 U.S. pilot certificate if for some reason the person has a US student pilot certificate? The "old" § 61.75(b)(3) read "does not hold a US pilot certificate of private pilot grade or higher." Is there a difference intended?

ANSWER: Ref. § 61.75(b)(3); 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.
{Q&A-78}

QUESTION: A foreign pilot with instrument privileges took a knowledge test to have the instrument rating included on a § 61.75 U.S. pilot certificate. By mistake, the computer test center gave him the standard Instrument Rating-Airplane (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: Ref. § 61.75(b)(3); The applicant is required to have satisfactorily accomplished the Instrument Foreign Pilot (IFP) test.
{Q&A-78}

QUESTION: A DPE has an applicant who is going for a Commercial Pilot Certificate in accordance with the § 61.123 requirements. The applicant now holds a § 61.75 U.S. pilot certificate. The country that issued him his private pilot license did not require any night training. The old Part 61 required a commercial pilot certificate

applicant to hold a private pilot certificate or meet the experience requirements for a private pilot certificate. The new Part 61 now requires the applicant to hold a private pilot certificate [See § 61.123(h)]. Does the above applicant need to meet the new Part 61 private pilot requirements [§ 61.109(a)(2), § 61.109(a)(2)(i) and § 61.109(a)(2)(ii)], in addition to the commercial pilot certification requirements [§ 61.129(a)(3)(iv)], so that upon issuance of the person's new Commercial Pilot Certificate, his application would need to show having logged 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: Ref. § 61.123(f); The applicant must have met the aeronautical experience requirements of subpart F of Part 61 that apply to the aircraft category and class rating sought before applying for the practical test. That means the applicant must have met the night flying aeronautical experience requirements of § 61.129(a)(3)(iv) and (a)(4)(ii).
{ Q&A-78 }

QUESTION: A flight instructor has a student who holds a commercial pilot 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. Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

ANSWER: Ref. § 61.75; No. 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 cannot 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.
{ Q&A-78 }

§ 61.77 Special purpose pilot authorizations

QUESTION: I have been reviewing the requirements of §§ 61.3, 61.77 & 63.23. I would appreciate clarification of the requirements for issuing special purpose pilot & flight engineers authorizations relating to the § 61.3 "However" statement. Is it intended that § 61.77 and § 63.23 address foreign air carriers operating U.S. registered aircraft by persons that are not U.S. citizens while operating in carriage for compensation or hire? A Canadian air carrier company certificated under CAR 705 Canadian Air Carrier is leasing U.S. registered B727-100/200. It has a contract with a U.S. freight hauler in common carriage of cargo within Canada. This Canadian air carrier company believes that § 63.1 does not require them to have a special flight pilot or flight engineers authorizations issued for their pilots and flight engineers operating these aircraft in common carriage for compensation or hire inside Canada. Is this correct?

ANSWER: Ref. § 61.3(a) and § 61.77(a)(1) and (2); If the flights remain within Canada, then per § 61.3(a) it states "... 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 . . ." Meaning the pilots of this Canadian air carrier company are

permitted to operate a U.S. registered aircraft within the boundaries of Canada by using their Canadian pilot licenses.

If the pilots of this Canadian air carrier company operate a U.S. registered aircraft outside the boundaries of Canada, then the PIC must either hold at least a U.S. commercial pilot certificate with a B727 type rating and instrument ratings or an ATP with a B727 type rating and instrument privileges, or comply with § 61.77 and be able to hold a special purpose pilot authorization. The SIC must either hold at least a U.S. commercial pilot certificate with an AMEL rating and Instrument Airplane rating, or comply with § 61.77 and be able to hold a special purpose pilot authorization.

The purpose of the special purpose pilot authorization is to permit a holder of a foreign pilot license to perform pilot duties outside the boundaries of their country where their pilot license was issued:

- (1) On a civil aircraft of U.S. registry that is leased to a person who is not a citizen of the United States, and
- (2) For carrying persons or property for compensation or hire on that aircraft.

When § 61.77 was re-written in 1997, it did not amend § 63.23 for flight engineers. Persons assigned as a flight engineers aboard a leased U.S. registered aircraft must comply § 63.23.
{Q&A-511}

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 Miami 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: 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: Ref. § 61.77(a) and § 61.3(a)(1); Saudi Arabian based company (ARAMCO) is not certificated as an air carrier by the Saudi Arabia government. The pilots do not qualify to receive a Special Purpose Pilot Authorization. The pilots must have standard US (unrestricted) pilot certificates.
{Q&A-136}

QUESTION: Is the candidate eligible to apply for a CFI certificate if he holds 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: Ref. § 61.77(c); No, the person cannot apply for a CFI certificate on the basis of holding a special purpose pilot certificate or a special purpose pilot authorization. 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}

§ 61.83 Eligibility requirements for student pilots

QUESTION: A young man started lessons at age 12 with one of our Part 141 pilot schools. He enrolled under Part 61. He has recently come of age and taken his private pilot practical test. He had also accumulated about 30 hours of instrument time while waiting to be eligible for the private pilot practical test. The pilot school wants to enroll him in their Part 141 instrument rating course and give him credit for the time. Should he receive credit even though he was not eligible to be in an instrument course when he logged the time?

ANSWER: Ref. § 61.83(a); § 61.31(d); Part 141, Appendix B, paragraph 2; and Part 141, Appendix C, paragraph 2; Training time received from an authorized instructor (*i.e.*, dual received flight time) is the only flight time that is creditable/logable for a person who is under the age of 16 years (for powered aircraft rating) and 14 years (in glider and balloon ratings), provided the training time was not received from a Part 141 pilot school.

The training cannot be received from a Part 141 pilot school because per Part 141, Appendix B, paragraph 2 for a private pilot certification course, a person must hold at least student pilot certificate in order to enroll in the flight portion of a private pilot certification course. And, under the rules, one must be at least 16 years old in order to receive a student pilot certificate (see § 61.83). Further, per Appendix C, paragraph 2 for the instrument rating course, a person must hold at least a private pilot certificate with the appropriate aircraft category and class rating appropriate to the instrument rating sought. So that means a person must be at least 17 years of age in order to log any flight time.

Furthermore, in accordance with § 61.83(a), a person is not eligible to log solo flight time (or PIC flight time) unless he/she holds a student pilot certificate. Again, a student pilot certificate cannot be obtained until a person reaches the age of 16 years (in powered aircraft) or 14 years (in gliders and balloons). *See* § 61.83(a).
{Q&A-620}

QUESTION: Reference 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: Ref. §§ 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) and AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65”; 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. AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65” is the FAA’s primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

§ 61.87 Solo requirements for student pilots

QUESTION: A very tiny minority of instructors are trying convince others that a solo endorsement needs to be made for every variation of C172, such as for a 172M, 172N, 172P, 172R, 172S, etc.

ANSWER: Ref. § 61.87(l)(1); Per § 61.87(l)(1), “. . . for the specific make and model aircraft to be flown . . .” means the make (Cessna) and the model (172) only. It does not mean the series variation of that make and model of aircraft.

However, flight instructors are the “cornerstone” to maintaining safe pilots within our National Airspace System, and so if you believe there is a significant difference between the series of a specific make and model of aircraft, then I believe that you should limit your solo endorsement. For example, I believe there is a significant difference between the Cessna 310 “A” series vs. the Cessna 310 “R” series. I believe there is a significant difference between the Bell 206A vs. the Bell 206L3. I do not believe there is significant difference between the different series variations of the Cessna 172. But it has to be remembered that your students who you provide a solo endorsement to are low time, inexperienced beginning pilots. For some students, something as simple as having to operate a different make and model of navigation and communication radio may be enough of a distraction to your student to require you to limit your solo endorsement. Essentially, this question and answer requires the use of common sense.
{Q&A-567}

QUESTION: What do the new rules state in regard to student pilots flying single place aircraft in solo flight?

ANSWER: Ref. § 61.87(l) and (n); The new rules that address student pilots flying single place aircraft in solo flight are in § 61.87(l) and (n). Per § 61.87(l), the a student pilot is required to have an endorsement on his student pilot certificate for the specific make and model aircraft to be flown. And per § 61.87(n), the flight instructor may not give a solo endorsement to a student pilot unless that flight instructor has given the training in that make and model OR SIMILAR make and model aircraft to be flown. Therefore, the flight instructor may have given flight training to a student pilot in a particular two-place make and model of aircraft, but the student pilot is required to have the solo endorsement from his flight instructor for the specific single place make and model of aircraft to be flown.

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.”

{Q&A-5}

QUESTION: A question has been raised regarding § 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: Ref. § 61.87(m); 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.

{Q&A-12}

QUESTION: 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: Ref. § 61.87(n)(1)(v); 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.

{Q&A-12}

QUESTION: 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: Ref. § 61.87(n); 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.

{Q&A-12}

QUESTION: I have a question and some confusion on the new § 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: Ref. § 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 solos 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 Solo cross-country flight requirements

QUESTION: Local instructors believe they can no longer sign off their fellow instructor's 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 student's 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 Eligibility for recreational pilot certificate

QUESTION: Reference 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: Ref. §§ 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) and AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65”; 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. AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65” is the FAA’s primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

QUESTION: 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: Ref. § 61.96(b)(4); 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 Recreational pilot knowledge/proficiency

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 reads (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}

§ 61.101 Recreational pilot privileges & limitations

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 reads 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); Per § 61.101(c)(1), it reads 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: 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: Ref. § 61.101(c). 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 cross country from a CFI after receiving the extra instruction, or is the logbook endorsement for that extra cross country instruction sufficient for the person for all future 50+ cross country flights?

ANSWER: Ref. § 61.101(c)(3); Per § 61.101(c)(3), it reads, in pertinent part, “. . . a logbook endorsement. . .” And “a” to me means singular. 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 Private pilot eligibility requirements

QUESTION: A person holds a Private Pilot Certificate with an Airplane Single Engine Land rating and has held this certificate since 1983. He has approximately 300 hours of flight time logged, but has not been active as a pilot for a number of years. He has applied for a new 3rd class medical certificate, but is unable to complete the application because he cannot read or write and as a result the medical examiner has denied issuance of a 3rd class medical certificate. He can speak and understand the English language, but he cannot read or write the English language. Does this person qualify to be able to retain his Private Pilot Certificate?

ANSWER: Ref. § 61.103(c); Advisory Circular No. 60-28, paragraph 3.a.; FAA Order 8700.1, Vol. 2, Chapter 26, page 26-1, paragraph 7; 49 U.S.C. 44709; This person will be required to undergo a re-examination of his Private Pilot Certificate.

The being “. . . able to read . . . the English language . . .” in § 61.103(c) [old § 61.103(b)] was a requirement when the person received his Private Pilot Certificate in 1983, so he is required to continue to be able to show competency in being “. . . able to read . . . the English language . . .” in order to retain his Private Pilot Certificate.

His inability to write the English language became a requirement, effective August 4, 1997, so he would not be required to demonstrate being “. . . able to . . . write . . . the English language . . .” [see § 61.103(c)], but he would be required to demonstrate being “. . . able to read . . . the English language . . .” [see § 61.103(c)]

However, if the cause of this person not being able to read the English language is due to medical reasons, then per § 61.103(c), “. . . the Administrator may place such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft.” Meaning, if necessary, an operating limitation could be placed on the person's pilot certificate that prohibits the person from acting as a PIC or acting as a required pilot crewmember. But that is a call that must be made by the FAA Aviation Safety Inspector who conducts the 49 U.S.C. 44709 re-examination practical test of the person's Private Pilot Certificate.

Since the person is being re-examined on the basis of not being able to “read” the English language, the FAA Aviation Safety Inspector who conducts the re-examination practical test, should refer to Advisory Circular No. 60-28, paragraph 3.a. for the “read” demonstration requirements.
{Q&A-503}

QUESTION: Reference 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: Ref. §§ 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) and AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65”; 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. AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65” is the FAA’s primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

§ 61.105 & § 61.107 Private pilot knowledge/proficiency

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 reads (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}

QUESTION: Situation is, I am a flight instructor and I have a student who holds a Private Pilot Certificate with an ASEL rating. 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 reads in § 61.105. The question is, under § 91.307(c) are parachutes required for this kind of training?

ANSWER: Ref. § 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 Private pilot aeronautical experience

QUESTION: May the night cross country flight training requirements of § 61.109(a)(2)(i) be combined with, and be incorporated into the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(a)(1)] for the private pilot certificate-airplane single engine airplane rating?

And this question would also pertain to whether the night cross country flight training requirements of § 61.109(b)(2)(i) may be combined with the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(b)(1)] for the private pilot certificate-airplane multiengine airplane rating?

And this question would also pertain to whether the night cross country flight training requirements of § 61.109(c)(2)(i) may be combined with the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(c)(1)] for the private pilot certificate-rotorcraft helicopter rating?

And this question would also pertain to whether the night cross country flight training requirements of § 61.109(d)(2)(i) may be combined with the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(d)(1)] for the private pilot certificate-rotorcraft gyroplane rating?

And this question would also pertain to whether the night cross country flight training requirements of § 61.109(e)(2)(i) may be combined with the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(e)(1)] for the private pilot powered-lift rating?

And this question would also pertain to whether the night cross country flight training requirements of § 61.109(g)(1)(ii)(A) may be combined with the "... 3 hours of cross-country flight training ..." [i.e., § 61.109(g)(1)(i)] for the private pilot airship rating?

Otherwise, in all the categories and classes of aircraft ratings at the private pilot certification level of § 61.109, may the flight training requirement for "... One cross country flight of over [100 nautical miles or 50 nautical miles, as appropriate] total miles total distance ..." be the same cross country flight training of "... 3 hours of cross country flight training in a [single engine airplane, multiengine airplane, helicopter, gyroplane, powered-lift, or airship, as appropriate] ...?"

DISCUSSION: In the past, AFS-800 has been adamant that most of the specific requirements of Part 61 may not be combined.

The FAA's *Aero Experience Checklist* document (aero-exp.doc), dated April 17, 2003 [Located at the AFS-800 website at: <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>]; Revision No. 10, posted on the FAA's web site is as silent as the FAR is regarding this issue. If the requirements of § 61.109(a)(1) and (2)(i) are separate and distinct from each other, then any FAA Form 8710-1 application proffered for Private Pilot certification must reflect more

than 3 hours of cross country flight training. Such an FAA Form 8710-1 application must reflect at least the 3 hours cross country flight training required by § 61.109(a)(1), and any additional cross country flight training required to accomplish the night dual cross country required by § 61.109(a)(2)(i).

Conversely, the custom and practice in the industry seems to be that many applicants have only 3.0 hours in the "cross country instruction" block of the applicant's FAA Form 8710-1 application. This would imply that they have combined the dual cross country flight training necessary to accomplish the night cross country required by § 61.109(a)(2)(i), with the other dual cross country training required to meet § 61.109(a)(1), making a total of only 3.0 total cross country flight training received.

ANSWER: Ref. § 61.109(a)(1) and § 61.109(a)(2)(i); OR § 61.109(b)(2)(i) and § 61.109(b)(1); OR § 61.109(c)(2)(i) and § 61.109(c)(1); OR § 61.109(d)(2)(i) and § 61.109(d)(1); OR § 61.109(e)(2)(i) and § 61.109(e)(1); OR § 61.109(g)(1)(ii)(A) and § 61.109(g)(1)(i); The 3 hours of cross country flight training stated in § 61.109(a)(1) may be met by complying with the night cross country flight training of § 61.109(a)(2)(i) provided the night cross country flight training totals 3 hours. Otherwise, the "... One cross country flight of over 100 nautical miles total distance ..." in a single engine airplane [*i.e.*, § 61.109(a)(2)(i)] may be included in the cross country flight training of "... 3 hours of cross country flight training in a single engine airplane ..." [*i.e.*, § 61.109(a)(1)].

So for example, an applicant for the Private Pilot Certificate-Airplane Single Engine rating, must show at least 3 hours of cross-country flight training in a single engine airplane and that may include the one night cross-country flight training flight of over 100 nm. total distance of § 61.109(a)(2)(i).

And this answer would also apply to the other aircraft categories and classes at the private pilot certification level.
{Q&A-635}

Subject: GPS and Area of Operation VII on the Private/Commercial Pilot - Helicopter Practical Test and navigation training for private pilot certification/commercial pilot certification.

QUESTION: Recently, I furthered revised and clarified my answers in Q&A 170 that related to questions about whether a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer in Q&A 170 was a conditional *yes* that a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer of a conditional *yes* was predicated on whether the hand-held GPS receiver was capable for the applicant to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.

- Maintains the appropriate altitude, ± 200 feet (60 meters).

I said so if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a conditional *yes* that a hand-held GPS receiver could be used.

Now, I'm being asked how an examiner would effectively evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives.

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; In answering that question, I consulted with Barry Lloyd, DPE in the Sacramento, CA FSDO. The following is just one method by which he uses to evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives outlined in Area of Operation VII of the Private Pilot / Commercial Pilot PTS:

Exhibits knowledge of the elements related to radio navigation [and ATC radar services.]

Generally, the applicant may be asked to demonstrate how he would use the GPS navigation receiver to navigate to a point of the examiner's choosing. As well as using the receiver's internal database, this would include entry of latitude and longitude coordinates to make a user way point location and how to navigate to that location.

Selects and identifies the appropriate facilities or coordinates, as appropriate.

This task is evaluated with GPS by asking the applicant to enter, from the GPS' internal database, an airport location identifier or VOR, and verify that it is a correct identifier. Also, an applicant may be asked to enter a charted intersection or prominent charted VFR reporting point from an aeronautical sectional. Or, the applicant may be asked to enter latitude/longitude coordinates of a given point he/she or the examiner has fetched from the aeronautical sectional chart and demonstrate how to set up the GPS to navigate to that point.

Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.

This task may be evaluated by asking the applicant to show where the helicopter's position is in relation to an airport or navaid. I would consider this task demonstrated satisfactorily if the applicant knows how to use the "nearest" button or function, and can identify his position by distance and desired course relative to that known location, be it airport, navaid or intersection. Most applicants demonstrate this by giving their position as a function of course and distance to either an entered location or a location chosen after pressing the "nearest" button.

Intercepts and tracks a given radial or bearing.

This task may be evaluated by asking the applicant to fetch from the database or enter coordinates of a known location and demonstrate how to fly a constant ground track to that location. For example: When south of a VOR/airport and asked to fly inbound to the station on the 180 degree radial/bearing from, or the 360 degree course to the station, the applicant should know how to enter the appropriate VOR/airport identifier, verify his position relative to that VOR/airport, and figure out some intercept angle to fly until his GPS CDI indicates he is inbound on the proper course to, or radial/bearing from, the station. All aviation hand-held GPS units are capable of this task.

Locates position using cross radials, coordinates, or bearings.

This task is satisfactorily demonstrated when the applicant can give the courses to, or bearings (back azimuths) from, two or more locations entered into the GPS and identify his/her location as a function of the crossing of those two courses to, or bearings from those stations.

Recognizes and describes the indication of station or way point passage.

This task may be easily evaluated by asking the applicant to perform a short GPS cross country of two or more legs with a significant course change at an enroute way point that is NOT a prominent terrain feature. That way the applicant must identify the GPS's indication of way point passage rather than a pilotage identification of the way point.

An ideal way to evaluate this is to assign a short A to B to C cross country with a significant course change at a point B, which would be a latitude/longitude, user-entered way point. This is a good way to evaluate an applicant's ability to use the GPS to circumnavigate restricted airspace that is not delineated by easily-defined terrain features.

Recognizes signal loss and takes appropriate action.

Since GPS is based on a 25-50 watt radiated signal 12,000 miles away, due to the inverse square law, the received signal at the receiver's antenna is mere micro-watts. It is not uncommon for a handheld GPS with a built-in antenna to drop a few satellites and go from 3D to 2D or drop signal lock completely for a few moments as the aircraft banks and changes position. All panel mount and modern hand-held GPS units have a warning that comes up in their display when that happens. Momentarily placing the metal part of a clipboard over the antenna causes a signal drop. In this instance an applicant is expected to recognize whether he has gone from 3D to 2D or lost GPS navigation capability altogether and augment his navigation with increased pilotage navigation.

Uses proper communication procedures when utilizing ATC radar services.

[Nothing specific to GPS]

Maintains the appropriate altitude, ± 200 feet (60 meters).

[Nothing specific to GPS]

Since the inception of civil GPS, I have done extensive flying in a variety of helicopters and on a variety of missions for the USFS, BLM, Calif. Departments of Forestry and Fish and Game and other civil and government agencies, using both panel-mounted GPS and hand-held GPS. I've used Garmin, Magellan, Trimble and other lesser-known hand-held GPS units and notwithstanding a hand-held's inability to couple the display to the conventional aircraft CDI, all hand-held GPS receivers were equally capable of displaying as adequate navigation information as the panel-mounted units.

{Q&A-572}

Situation 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR).

QUESTION: Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan provided the aircraft remains in VMC. No place in § 61.65 or § 91.205(d) does it require that the helicopter be IFR certified. However, a VFR certified 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 the instruments and equipment requirements of § 91.205(d).

A person may not operate a VFR certified Robinson R-22 (meaning the aircraft not certified for IFR) in flight conditions that are less than VMC nor may a person 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 and remain in VMC.

Additionally, the FAA has established the following policy in FAA Order 8700.1 (page 8-2, paragraph 17) concerning instrument training in aircraft not certified for IFR operations:

“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.

[Intent of paragraph A: Although in this paragraph it states just “. . . airplane” on the 3rd line that is asterisked, this policy also applies to helicopters and all other categories and classes and types of aircraft]*

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 certifying 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.”

{Q&A-170e}

QUESTION: Does a Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft's flight and navigation instruments do not need to be IFR certified to operate on an IFR flight plan.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

QUESTION: Can the aeronautical experience required by § 61.65(d) be performed in this VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 61.65(d) and FAA Order 8700.1 (page 8-2, paragraph 17). The answer is yes, the aeronautical experience required by § 61.65(d) may be performed in a VFR certified Robinson R-22.

{Q&A-170e}

QUESTION: Can the instrument training required by Appendix C of Part 141 be performed in a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 141.39(e); FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the training required by Appendix C of Part 141 may be performed in a VFR certified Robinson R-22. Neither § 141.39(e), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the instrument training requirements of Appendix C of Part 141.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).
{Q&A-170e}

QUESTION: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certified Robinson R-22 (e.g., non-IFR certified)?

ANSWER: Ref. § 61.45(b) and (d); and FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the practical test for the Instrument-Helicopter rating may be performed in a VFR certified Robinson R-22. Neither § 61.45(b) and (d), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the practical test for an Instrument-Helicopter rating.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).
{Q&A-170e}

QUESTION: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training under § 61.65(c) (or Appendix C of Part 141) in this non-IFR certified Robinson R-22 during daytime conditions?

ANSWER: Ref. § 61.65(c) and § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).
{Q&A-170e}

QUESTION: Can a portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b) and (d); § 91.205(d); The answer is a *conditional* yes. A portable VOR receiver may be used during instrument training and during the practical test for the Instrument-Helicopter rating provided the training / practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

But, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements of § 61.65(d)(2)(iv), then the rule § 91.171; § 91.411, and § 91.413 also apply to this question. Otherwise, for the aircraft to be operated under IFR flight plan / ATC clearance, the aircraft's -

- VOR has to have been inspected or operationally checked; [See § 91.171]
- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [See § 91.411] and
- ATC transponder has to have been tested and inspected. [See § 91.413]

The answer is yes, a portable VOR may be Velcro-taped to the instrument panel provided the training/practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance? Emphasis

added: "... when conducting IFR operations under an IFR flight plan / ATC clearance ..." Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Aeronautical Information Manual, page 1-1-41, paragraph f.1. NOTE No. 4; and FAA Order 8700.1, page 222-7, paragraph 13.D; No, a hand-held GPS receiver may not be used during the instrument training or for the practical test for the Instrument-Helicopter rating. And again this answer applies to doing instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance.

Per the Aeronautical Information Manual, page 1-1-41, paragraph f.1., NOTE No. 4, it states:

"VFR and hand-held GPS systems are not authorized for IFR navigation, instrument approaches, or as a primary instrument flight reference. During IFR operations they may be considered only an aid to situational awareness."

The intent of this NOTE No. 4 here in the Aeronautical Information Manual, page 1-1-41, paragraph f.1., applies to where the flight is conducted under an IFR flight plan / ATC clearance.

As for the practical use of these hand-held GPS receivers, it is not possible to use them for IFR navigation, GPS instrument approaches, or as a primary instrument flight reference. Hand-held GPS receivers do not provide appropriate monitoring systems to ensure signal integrity or data bases for instrument approach procedures. So a hand-held GPS receiver cannot be used for executing a GPS approach. [Ref. § 91.175(a)]. 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.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . ."

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning "... 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. . ."

Notice, this answer does not apply where the flight instructor / examiner acts as ATC and the flight is simulated instrument flight meaning the flight is NOT being performed under an IFR flight plan / ATC clearance. Read the follow-on question and answer for that scenario.

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight is simulated instrument flight where the examiner / flight instructor acts as ATC? Emphasis added: "... meaning the flight is NOT being performed under an IFR flight plan / ATC clearance ..." Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems; FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight instructor / examiner acts as ATC and the flight is simulated instrument flight. Meaning the flight is NOT being performed under an IFR flight plan / ATC clearance.

And another basis for the answer being a *conditional* yes is because the hand-held GPS receiver must be capable of allowing the applicant to perform Area of Operation V. Navigation Systems of the Instrument Rating PTS, FAA-S-8081-4C. As per the Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems, it requires the applicant to be able to:

- Exhibits adequate knowledge of the elements related to intercepting and tracking navigational systems and DME arcs.
- Tunes and correctly identifies the navigation facility.
- Sets and correctly orients the radial to be intercepted into the course selector or correctly identifies the radial on the RMI.
- Intercepts the specified radial at a predetermined angle, inbound or outbound from a navigational facility.
- Maintains the airspeed within 10 knots, altitude within 100 feet (30 meters), and selected headings within 5 degrees.
- Applies proper correction to maintain a radial, allowing no more than three-quarter-scale deflection of the CDI or within 10 degrees in case of an RMI.
- Determines the aircraft position relative to the navigational facility or from a waypoint in the case of GPS.
- Intercepts a DME arc and maintains that arc within 1 nautical mile.
- Recognizes navigational receiver or facility failure, and when required, reports the failure to ATC.

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

And per FAA Order 8700.1 [page 222-7, paragraph 13.D.] applies and it 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . . 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. . . ”

This answer does not apply to instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance. Read the previous question and answer for that answer.

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for private pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the Private Pilot Certification practical test? Can a hand-held GPS receiver be Velcro taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7,

paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used for navigation training for private pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the private pilot certification practical test. As per the Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation Task B. Radio Navigation and Radar Services on the Commercial Pilot Certification practical test? Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes, a hand-held GPS receiver may be used for navigation training for commercial pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the commercial pilot

certification practical test. As per the Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 100 feet (30 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

{Q&A-170e}

Situation 2: A person is undergoing training for an additional helicopter category and class rating at the commercial pilot certification level. The helicopter the person will be receiving training in is a non-IFR certified Robinson R-22.

QUESTION: 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 category and class rating at the commercial pilot certification level that is addressed in § 61.129(c)(3)(i)? Meaning the kind of instrument training where it does not require the filing of an IFR flight plan and flight is going to occur during daytime conditions.

ANSWER: Ref. § 61.129(c)(3)(i) and § 91.205(b); The instruments and equipment for the kind of instrument training required for § 61.129(c)(3)(i) during daytime conditions may be as minimal 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 and equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.
{Q&A-170e}

QUESTION: Does the instrument training required by § 61.65(c) and (d) for the Instrument-Helicopter rating have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate? Does the instrument training required by § 61.129(c)(3)(i) for just the Helicopter rating at the commercial pilot certification level have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate?

ANSWER: Ref. § 61.195(c); Yes, the instrument training required by § 61.65(c) and (d) for the Instrument Helicopter rating has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

Yes, the instrument training required by § 61.129(c)(3)(i) for the helicopter rating at the commercial pilot certification level has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.
{Q&A-170e}

QUESTION: 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(c) and (d)?

ANSWER: Ref. § 61.129(c)(3)(i) and § 61.65(c) and (d); Yes, the training given to satisfy the instrument training aeronautical experience of § 61.129(c)(3)(i) may also be used to count toward the aeronautical experience of § 61.65(d).
{Q&A-170e}

QUESTION: 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.].

ANSWER: 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 states training "...on the control and maneuvering of an airplane solely by reference to instruments ..."
{Q&A-249}

QUESTION: In accordance with § 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: 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 a 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.
{Q&A-365}

QUESTION: Is the 50 NM requirement from the “original” point of departure, or from the last airport of departure?

ANSWER: 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: Ref. § 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: 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: 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.
{Q&A-309}

QUESTION: Considering the wording in § 61.111 (c) second phrase, “and meets all requirements for the issuance of a private pilot certificate, except the cross-country training requirements of § 61.109 of this part” etc. 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: 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: 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: 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: 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: Ref. § 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. Civil twilight starts about one half-hour after sunset, depending upon latitude. But, full dark conditions are not reasonable assured until a full hour after sunset. We want the training to be performed in the dark of night.
{Q&A-230}

QUESTION: 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: Ref. § 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 nighttime and hood time.
{Q&A-230}

QUESTION: § 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). 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 having flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings?

ANSWER: Ref. § 61.107(b)(1)(iv) and § 61.31(d)(2)(ii); No. 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.

Ref. § 61.31(d)(2)(ii). The endorsements on a student pilot’s certificate and associated logbook/training record per Subpart C – Student Pilots [§§ 61.81 through 61.95] provided the authorization for flight of aircraft by category and make & model. The endorsements per § 61.31 are not required for student pilot solo operations as authorized 61.31(k)(2)(ii). The endorsements, as appropriate, become required as soon as the student pilot passes a practical test and is issued a recreational or higher pilot certificate.
{Q&A-97}

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

ANSWER: Ref. § 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: 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: Ref. § 61.1(b)(3)(ii) and § 61.109(a)(5)(ii); § 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: 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: Ref. § 61.109(a); 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 may should 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.

{Q&A-18}

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: Ref. § 61.109(a)(4) and (5); 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: 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: Ref. § 61.109(a)(3); The rule 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: Ref. § 61.109(a)(3); 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: 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: Ref. § 61.109(a)(5)(ii) and § 61.1(b)(3)(ii); 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: 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: Ref. § 61.1(a)(3); 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: Ref. § 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: I am having trouble deciphering the required total time, dual time, and solo time for applicants of private pilot-glider ratings?

ANSWER: Ref. § 61.109(f); I developed an aeronautical checklist for all the pilot certificates and ratings to use as a quick reference. That checklist is located at: <<http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>>

VII. For a Glider Rating

A. Total Time: If applicant has not logged at least 40 hours of flight time in heavier than air aircraft, then the applicant must have logged at least 10 hours in gliders on the Private Pilot areas of operation that includes 20 flights in a glider and includes at least—

1. Dual: 3 flights in a glider with an instructor within the preceding 60 days prior to the practical test; and
2. Solo: 2 hours of solo flying in a glider with not less than 10 launches and landings.

or

B. Total Time: If applicant has logged at least 40 hours of flight time in heavier than air aircraft, then the applicant must have logged at least 3 hours in gliders on the Private Pilot areas of operation, that includes:

1. Dual: 3 flights in a glider with an instructor within the preceding 60 days prior to the practical test; and
2. Solo: 10 flights of solo flying in a glider.

{Q&A-35}

§ 61.110 Private pilot night flying exceptions

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 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 no 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 legal 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.

{Q&A-389}

QUESTION: The question comes from Alaska about 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, 1997?

ANSWER: Ref. § 61.110(b)(2); 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.

{Q&A-21}

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: Ref. §§ 61.110 and 61.131; 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 that is unable to distinguish color due to color blindness?

ANSWER: Ref. § 61.101 and § 61.109(a)(2) or any of the § 61.109(*) (2); 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 Private pilot privileges & limitations: PIC

Situation:

- Private pilot provides transport of patient, and in some circumstances, one or more companion(s) for purpose of medical treatment or compassion (on behalf of one of the seven member organizations of Angel Flight (TM) America (AFA))
- The Angel Flight America member volunteer pilots may also transport material or personnel when mobilized by the national Homeland Security Emergency Air Transportation System.
- There is never a charge or funds solicitation to either the passenger(s), companion(s), or other persons receiving benefit from the mission.
- The pilot provides the aircraft and pays for all operating costs, if any, that the pilot incurs in connection with the mission flight.

Each Angel Flight mission is not a passenger-carrying airlift as defined in § 61.113(d).

An Angel Flight mission is not an event in the way it is described in § 61.113(d). The mission is not a public event. Generally, there is no advance publicity beyond contacting prospective volunteer pilots to staff the missions. Sometimes the news media will publish a feature either before or after a mission. The mission may involve only a single passenger or many, such as transporting 50 children round trip to a special camp. An Angel Flight mission is not an event as defined in § 61.113(d).

Many of the Angel Flight missions are established and flown in less than 7 days due to necessity, not the convenience of Angel Flight. Certain pilots, such as myself, fly on-call for tissue transplants. There is no way to schedule such a flight seven days in advance. Persons come to Angel Flight usually by way of referral by social workers and healthcare workers, sometimes less than seven days, when free air transportation is required.

Angel Flight has a Memo of Understanding with our nation's Homeland Security to provide mission services for personnel and/or supplies, if called upon, because the Angel Flight can immediately mobilize its pilots upon receipt of official notice.

As soon as an Angel Flight regional office receives notification from a patient that an organ has been found and he requires transportation to the facility, we have a pilot in the air transporting the passenger to the medical facility. Sometimes weather, passenger health condition, or availability of medical treatment may require last minute mission rescheduling to a different date or location.

An Angel Flight mission does not require seven days notice as defined in § 61.113(d).

Angel Flight members adhere to a strict policy of never soliciting the passengers for donations in connection with a mission.

Likewise, the § 61.113(d) states the purpose of a passenger-carrying airlift is to raise money for a charity -- not transport people requiring transportation. Angel Flight does not conduct any mission for the purpose of raising money.

A mission is not conducted to generate donations as defined in § 61.113(d).

Section 61.113(d)(1) requires a signed letter for each "event" as well as documents which credential the pilots. Because Angel Flight missions are not passenger-carrying airlifts as defined in § 61.113(d), and therefore are not required to file such paperwork as specified in § 61.113(d).

A mission does not require the FSDO filings as defined in § 61.113(d).

DEFINITION OF TERMS: Discounts/Rebates/Credits Or Coupons

DISCOUNT:

Almost every fixed base operator (FBO) at any airport in our nation offers a "discount" (not "compensation") to non-transient pilots. Thus, if one rents or keeps one's aircraft at or near the FBO, or frequently does business with the FBO, the FBO typically offers such person or aircraft a discount off the "rack" fuel rate, and sometimes other products and services.

The same is also true with respect to pilots who conduct flights on behalf of Angel Flight (or other volunteer pilot organizations).

In practice, every pilot accepts this offered discount. Thus, the pilot purchases fuel at a more favorable rate than someone who is transient, that is, not "resident." Whether the pilot has a commercial rating is not relevant to this national practice. No one assumes this discount is compensation.

REBATE:

One national pilot organization advertises (in conjunction with a major fuel manufacturer) a "rebate" program, whereby both private and commercial pilots obtain a \$1 refund for each gallon previously purchased when such fuel was used in an aircraft to provide an "introductory" flight to a young person. This refund is a "rebate" because the pilot receives the money after he has paid for the product; I contrast this to a discount (or application of a credit), where the purchaser pays the amount which remains after applying the discount or credit to the total price of the products and/or services.

In another instance, a credit card company offers a 5% rebate on approved purchases made at FBOs across the nation, with a maximum rebate cap of \$250 per year. The card holder receives the rebate by the application of a credit on a future month's statement.

In practice, no one treats either of these two rebate examples as compensation.

CREDIT or COUPON:

One of the major fuel company wants to issue "coupons" for use by volunteer pilots when flying on behalf of a Volunteer Pilot Organization (VPO), such as Angel Flight (TM). The coupons, when presented at a participating FBO, would provide the pilot with a fuel discount -- either an absolute dollar amount or a percentage off (per gallon) -- as defined above.

The discount could be as much as 100% of the price per gallon. For example, if fuel was \$3.00 per gallon, the invoice might show 24 gallons at a total cost of \$48.00 if the coupon was worth \$1.00 per gallon.

In any event, the purchaser presents the coupon for an approved purchase, and pays the invoice amount after applying the discount as stated in the terms of the coupon.

Another possible example is someone is talking about providing coupons which are good for hours in a rental aircraft.

The pilot pays a reduced rate for flying on behalf of the VPO.

QUESTION: Can mission pilot accept discounts/rebates/credits or coupons for the airport charges and/or FBO service fees for an Angel Flight kind of flight operation?

ANSWER: Ref. § 61.113(a); A holder of a private pilot certificate may not accept discounts/rebates/credits or coupons directly for airport charges and/or FBO service fees because this would be considered as a form of compensation. *Meaning*, a holder of a private pilot certificate may not accept a discount/rebate/credit or coupon in payment for his or her own personal use. Because, as per § 61.113(a), in pertinent part, a holder of a private pilot certificate may not “. . . for compensation or hire act as pilot in command of an aircraft.”

QUESTION: Can mission pilot accept discounts/rebates/credits or coupons (as defined above in my explanation above) for the fuel, oil, aircraft rental, and/or other FBO services for an Angel Flight kind of flight operation?

ANSWER: Ref. § 61.113(a); Again, the same answer. A holder of a private pilot certificate may not accept discounts/rebates/credits or coupons directly for fuel, oil, aircraft rental, and/or other FBO services because this would be considered as a form of compensation. *Meaning*, a holder of a private pilot certificate may not accept a discounts/rebates/credits or coupons in payment for his or her own personal use. Because, as per § 61.113(a), in pertinent part, a holder of a private pilot certificate may not “. . . for compensation or hire act as pilot in command of an aircraft.”

QUESTION: Can mission pilot for an Angel Flight kind of flight operation accept discounts/rebates/credits or coupons (as defined above in my explanation above) for fuel, et cetera, in the event (fuel) distributor or manufacturer (such as fuel servicing) subsidizes fixed base operator's out-of-pocket costs by:

- Direct reimbursement to FBO (pilot does not pay)?
- Coupon(s) provided to pilot for use on such missions?
- Some other procedure to pass-along a discount (up to 100%) to the pilot?

ANSWER: Ref. § 61.113(a); Again, the same answer. A holder of a private pilot certificate may not accept discounts/rebates/credits or coupons directly for fuel, et cetera, in the event (fuel) distributor or manufacturer (such as fuel servicing) subsidizes fixed base operator's out-of-pocket costs because this would be considered as a form of compensation. *Meaning*, a holder of a private pilot certificate may not accept a discounts/rebates/credits or coupons in payment for his or her own personal use. Because, as per § 61.113(a), in pertinent part, a holder of a private pilot certificate may not “. . . for compensation or hire act as pilot in command of an aircraft.”

QUESTION: Can a pilot for an Angel Flight kind of flight operation accept discounts/rebates/credits or coupons (as defined above in my explanation above) for the costs (*i.e.*, direct reimbursement to FBO; coupon(s) provided to pilots for use on such missions; and/or some other procedure to pass-along a discount) where contributions have been made to a Angel Flight with the donor's request the charity use the funds to pay the FBO such expense(s) with respect to the mission(s)?

ANSWER: Ref. § 61.113(a); Again, the same answer. A holder of a private pilot certificate may not accept discounts/rebates/credits or coupons directly for the costs (*i.e.*, direct reimbursement to FBO; coupon(s) provided to pilots for use on such missions; and/or some other procedure to pass-along a discount) because this would be considered as a form of compensation. *Meaning*, a holder of a private pilot certificate may not accept a discounts/rebates/credits or coupons in payment for his or her own personal use. Because, as per § 61.113(a), in

pertinent part, a holder of a private pilot certificate may not “. . . for compensation or hire act as pilot in command of an aircraft.”

QUESTION: Can a pilot for an Angel Flight kind of flight operation accept discounts/rebates/credits or coupons (*as defined above in my explanation above*) for the purpose of directly reimbursing the pilot(s) with respect to the following expense(s)?

- Direct reimbursement to FBO (pilot does not pay)?
- Coupon(s) provided to pilot for use on such missions?
- Some other procedure to pass-along a discount (up to 100%) to the pilot?

ANSWER: Ref. § 61.113(a); No, a holder of a private pilot certificate may not accept discounts/rebates/credits or coupons directly for reimbursing the pilot because this would be considered as a form of compensation. *Meaning*, a holder of a private pilot certificate may not accept a discounts/rebates/credits or coupons in payment for his or her own personal use. Because, as per § 61.113(a), in pertinent part, a holder of a private pilot certificate may not “. . . for compensation or hire act as pilot in command of an aircraft.”

QUESTION: In several instances, a mission pilot may want to take a co-pilot on a mission for the purposes of assisting with the flight workload management and for added safety in case the PIC becomes incapacitated. May the co-pilot offer to share one or more of the following costs (*i.e.*, fuel expenses, oil expenses, aircraft rental expenses, and/or other FBO service expenses) with the pilot, even though the aircraft does not require a co-pilot?

ANSWER: Ref. § 61.113(c) and § 61.133(a); As per § 61.113(c), a private pilot may not pay less than the pro rata share of the operation expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.

However, a previous Angel Flight (*i.e.*, Angel Flight of Georgia) had to file for a grant of exemption to get around the Part 135 and/or Part 121 requirements (*specifically*, Sections 135.251, 135.255, and 135.353 and appendixes I and J to part 121). And in that grant of exemption, the FAA stated as one of the conditions and limitations the following:

“If operations are conducted by a pilot holding a private pilot certificate, the requirements of 14 CFR Section 61.113(d) must be met.”

Now if your Angel Flight is using pilots who hold commercial pilot certificates then as per § 61.133(a), a holder of commercial pilot certificate may act as the PIC provided the person is qualified in accordance with Part 61 and with any other applicable Parts of this Chapter. However, like what was required of Angel Flight of Georgia, you may have to apply for a grant of exemption from §§ 135.251, 135.255, and 135.353 and appendixes I and J to part 121.

As far as whether a pilot may receive discounts/rebates/credits or coupons directly, the answer is no because it would be considered a form of compensation.

{Q&A-633}

QUESTION: Section 61.113(g) was revised in 1997 and states, “(g) A private pilot who meets the requirements of §61.69 of this part may act as pilot in command of an aircraft towing a glider.” On October 30, 1990, the FAA Office of Chief Counsel rendered a legal interpretation [See FAA Legal Interpretation No. 1990-30] in response to a request for clarification of several FAA opinions that addressed whether private pilots may act as pilot-in-command of an aircraft towing gliders. Under the 1990 interpretation, it was understood that no money was being paid to the private pilot. The glider pilot being towed was paying a tow fee to the glider club. The tow pilot was flying the tow airplane without charge. The interpretation states: “that a private pilot may not serve as a pilot in command of such an operation [towing gliders] even when he/she elects to forego actual monetary compensation for service as pilot in command, since, as stated, the private pilot is rendering his/her services to build (flight) time. This act, within itself, constitutes an operation for gain or advantage, other than for transportation alone. As such, it would be considered an operation for compensation or hire”

Does the promulgation of § 61.113(g) void Legal Interpretation No. 1990-30 for a person who holds a private pilot certificate and who meets the qualification requirements of § 61.69 to act as pilot in command of an aircraft towing a glider and to be able log that time as PIC flight time? Otherwise, can a private pilot act and log pilot in command flight time when towing a glider even when the tow pilot (*i.e.*, the private pilot) is not paying for use of the tow airplane and is accumulating flight time and not paying for it?

ANSWER: Ref. § 61.113(g); Yes, a person who holds a private pilot certificate and meets the requirements of § 61.69 may act as pilot in command of an aircraft towing a glider. And yes, a private pilot who meets the requirements of § 61.69 may log pilot in command flight time while towing a glider.

Referring to the preamble of the notice of proposed rulemaking for amendments to Part 61 (which included the addition of § 61.113(g) (60 Fed Reg 41181, 41207; August 11, 1995), it states:

“Finally, a new provision would be added to clarify that a private pilot who meets the requirements of § 61.69 may act as PIC of an aircraft towing a glider and log that flight time. This is consistent with current and proposed § 61.69.”

This was reiterated in the disposition of comments under the final rule (62 Fed Reg 16266, 16267; April 4, 1997):

“Proposed paragraph (f) permitted a private pilot who met the requirements of proposed § 61.69 to act as pilot in command when towing gliders.”

“SSA approves of proposed § 61.113(f) permitting private pilots who meet the requirements of § 61.69 to act as pilot in command of an aircraft towing a glider. SSA points out that the explanation on page 41207 of the Notice No. 95-11 indicates that the pilot will be able to log this time. SSA suggests that § 61.113(f) be modified to this effect.”

Although the October 30, 1990, legal interpretation referenced in the question arose in the context of glider towing, it was really about the proposition that the logging of flight time where one is not paying for the cost of the operation constitutes a form of compensation. Furthermore, the interpretation was drafted prior to the amendments to Part 61 and the promulgation of § 61.113(g). Pursuant to § 61.113 (g), a private pilot may log PIC flight time while towing a glider. The FAA typically does not “withdraw” opinions where a change in statute or regulation alters the validity or scope of application of the opinion. In the case of the 1990 opinion arising in the context of glider towing, the opinion still has vitality for the proposition that the logging of flight time can be a form of compensation impermissible under § 61.113 even though the regulations now permit such logging in the context of glider towing by virtue of the 1998 rule change.

{Q&A-619}

QUESTION: In accordance with § 91.321, can a private pilot certificate holder be compensated for transporting elected officials? Can a private pilot certificate holder, for compensation or hire, act as pilot in command when transporting elected officials?

ANSWER: Ref. § 61.113; A holder of a private pilot certificate cannot be compensated for transporting elected officials. Nor may a private pilot certificate holder, for compensation or hire, act as pilot in command during an operation where elected officials are being transported.

Per § 61.113(a), it states, in pertinent part that “. . . no person who holds a private pilot certificate may act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire, nor may that person, for compensation or hire, act as pilot in command of an aircraft. The exception provisions listed in paragraph (b) through (g) of § 61.113 do not list the carriage of political candidates as being an acceptable exception.

This question was posed to AGC several years ago. The general text of the response interpretation letter is provided below (please note that former 14 CFR § 91.59 is now codified as § 91.321):

A private pilot cannot accept payment for the transportation of a federal candidate under § 91.59 of the Federal Regulations. § 91.59 allows an aircraft operator to receive payment for the carriage of a federal candidate only if such payment is required by regulations of the Federal Elections Commission (part 3 of the so-called “3 part test” under § 91.321). The pertinent Federal Elections Commission regulations apply only to airplanes that are owned or leased by corporations or labor organizations [see 11 CFR § 114.9(e)]. Therefore, unless the aircraft used to transport a federal candidate is owned by a corporation or labor organization, payment cannot be accepted by the operator under § 91.59.

See October 30, 1990, interpretation letter from Edward P. Faberman, AGC-220 to Jerry Hacker, AAC-7.

Further, one could argue that § 91.321 is really only an exception to the otherwise applicable requirement that compensation or hire operations must have a Part 119 certificate (authorizing part 121 or Part 135 operations) or a Part 125 certificate. It could be argued that without an explicit Part 61 exception, pilots flying federal election candidates must have at least commercial pilot certificates. It also can be argued that the FAA places airman certification exceptions in Part 61 and air carrier certificate or operating certificate exceptions in §§ 119.1(e) and 125.1 and scattered places in part 91 like §§ 91.321 and 91.501(b). Supporting this argument is that § 119.1(e)(10) specifically excepts federal election flights conducted under § 91.321 from the air carrier/commercial operator certification rules of Part 119. Contrast that with the fact that Part 61 does not contain an airman certification exception or private pilot exception for compensation or hire operations conducted under § 91.321. In other words, Part 61 does not cite a § 91.321 exception, whereas part 119 explicitly does cite a § 91.321 exception.

{Q&A-484}

QUESTION: Can you please answer a question for me? If a pilot flies an aircraft for a company and is on their employment files as a clerk, is a commercial pilot certificate necessary? The aircraft is used to collect data that is later sold to customers. The aircraft is owned by the company not the pilot. The pilot is being “paid” for be an office worker not as a “pilot”. The pilot is only a private pilot with approximately 160 hrs. total. The company tells this pilot that a commercial pilot certificate is not necessary because it is “incidental to their business”. I don't agree. I would really appreciate an answer so I will know in the future should something like this come up.

ANSWER: Ref. § 61.113(a); A holder of a private pilot certificate may not “. . . act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as pilot in command of an aircraft.

The provision of § 61.113(b)(1) “. . . The flight is only incidental to that business or employment . . .” has been interpreted as meaning an infrequent, non-reoccurring flight where the flight is clearly (emphasis added CLEARLY) incidental to that business or employment. Some private pilot certificate holders would like the FAA to make a very liberal interpretation on § 61.113(b)(1). But the FAA in all its past policy statements and legal interpretations have always taken a very strict interpretation on § 61.113(b)(1). Previous examples that have been offered to explain what is meant by “. . . The flight is only incidental to that business or employment . . .”, [i.e., § 61.113(b)(1)] would be where the holder of private pilot certificate uses the company aircraft for transportation on an infrequent, non-reoccurring basis, and some of the other company personnel elect to go along to attend a meeting. The flight has nothing to do with that business or employment and is just a means of transportation. Nor may the aircraft be the purpose for the meeting (directly or indirectly). Totally incidental!

But regardless, per § 61.113(a), the holder of a private pilot certificate may not act as pilot in command of an aircraft for compensation or hire. Otherwise, the pilot may not accept any additional pay for his piloting services. Remember, totally incidental!

The scenario of your question as you presented it, I would say the use of a holder of a private pilot certificate for that flight would be a violation of § 61.113(a) by both the company and the pilot. A commercial pilot is needed for that flight.

{Q&A-426}

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" issues 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! You don't take liberties with the provisions and intent of § 61.113(b)(1).

{Q&A-400}

QUESTION: I believe that questions Q&A 95 and 88 deal with a safety pilot logging PIC flight 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 flight 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 flight time. And yes that Private Pilot may use that PIC flight 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: In the context of operations conducted by the Civil Air Patrol, the revised § 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 ?

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: 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 that was the basis for adopting § 61.113.

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: Ref. § 61.113(g); The answer is no, a private pilot may not receive compensation for towing a glider.

The intent, and the wording of the § 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 § 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 § 61.113(g) was issued to correct it.

However, we agree the wording of the § 61.113(a) may be confusing. In the next go-around on correcting some of the wording mistakes, we have recorded it as a needed correction to conform the intent and the wording of § 61.113(g).
{Q&A-72}

§ 61.115 Balloon rating: Limitations

QUESTION: Can a Designated Pilot Examiner with a balloon authorization remove the limitation "Limited to Hot Air Balloons with Airborne Heater", or must a Flight Standards Inspector remove it? 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 Commercial pilot eligibility requirements

QUESTION: In FAA Order 8710.3C, Pilot Examiner's Handbook, Chapter 9, Section 1, paragraph 5.G., it is written that an applicant for other than an airplane rating who applies for a commercial pilot certificate with a category rating other than airplane is required to present a knowledge test report for the applicable commercial pilot knowledge test. The FAR's state the exact opposite in § 61.63(b)(5).

ANSWER: Ref. § 61.123(h); Per § 61.123(h), it states that eligibility requirements for a commercial pilot certificate must include "(h) Hold at least a private pilot certificate issued under this part or meet the requirements of § 61.73; and" and this applies to the context of your question rather than § 61.63(b). The paragraph you site in the Handbook is about an applicant who "... is not required to hold a private pilot certificate." Prior to the major revision of 14 CFR Part 61 the rule allowed a person certificated as a student pilot to apply for a commercial certificate in the aircraft categories other than airplane by meeting experience requirements and passing the commercial written test. This skipping of the private pilot certificate level is no longer permitted. The new rule applies.

Yes, there are some portions of FAA Order 8710.3C and FAA Order 8700.1 that are out of date with the rules that were revised in 1997. But always, the rule has precedent over any out-of-date guidance that is provided in FAA Order 8710.3C.
{Q&A-494}

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: Assuming no military certification (§ 61.73), is there any way of earning a Commercial Pilot Certificate without first receiving a private pilot certificate?

ANSWER: 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 Part 61 can an applicant present himself for a commercial pilot certification practical test with the following in hand:

Private pilot certificate, issued on the basis of a foreign certificate (although still issued under "this part" [see § 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: Reference 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: Ref. §§ 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) and AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65”; 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. AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65” is the FAA’s primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

QUESTION: 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 License. He also holds Instrument Airplane (U.S. Test Passed) on that § 61.75 U.S. Private Pilot Certificate. The person now comes to the FAA and applies for an un-restricted U.S. Commercial Pilot Certificate with an Airplane Multiengine Land rating. However, the person’s foreign pilot license 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. 3rd Class medical certificate that was issued under Part 67. 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: Ref. § 61.39(a)(4); The person in this question from Canada may apply for an un-restricted U.S. Commercial Pilot Certificate with an Airplane Multiengine Land rating with an out-of-date Canadian medical license but with a current U.S. 3rd class medical certificate. This question isn’t even a § 61.75 issue. Because as your question stated, the person is applying “. . . for an un-restricted U.S. Commercial Pilot Certificate with an Airplane Multiengine Land rating . . . holds a current U.S. 3rd class medical certificate . . .”
{Q&A-136}

QUESTION: § 61.123(h) requires an applicant for commercial pilot certificate to hold a private pilot certificate. § 61.153(d) requires an ATP applicant to hold a commercial pilot certificate and instrument rating. What is the proper documentation for an applicant who meets all the flight experience requirements as a foreign military pilot (not eligible under § 61.73), who takes a combined commercial pilot certificate and private pilot certificate practical test or a combined instrument rating and ATP practical test? In the past, the FAA required completion of just one FAA Form 8710-1 and the examiner issued one temporary, and collected the commercial pilot certificate and private pilot certificate knowledge test results, or ATP and instrument knowledge test results. Must they now fill out two (2) FAA Form 8710-1’s and two (2) temporaries [one for each rating], and turn in the test results, the FAA Form 8710-1’s and the “superseded” temporary they just filled out?

ANSWER: Ref. § 61.153(d)(3); I am having difficulty understanding exactly what you’re asking. So, I am assuming your question pertains to a person who holds either a foreign airline transport pilot or foreign commercial pilot certificate with an instrument rating [See § 61.153(d)(3)] and is applying for our comparable U.S. ATP certificate on the basis of § 61.153(d)(3). Therefore, in accordance with § 61.153(d)(3), the required documentation is either a copy of the person’s “foreign airline transport pilot or a copy of the foreign commercial pilot license and instrument rating.”

I have no idea what you’re talking about about “. . . a combined commercial pilot certificate and private pilot certificate practical test.” There 2 entirely separate practical tests. And requires 2 separate FAA Form 8710-1 applications and 2 separate FAA Form 8060-4, Temporary Airman Certificate. I’ve never even heard of a person taking those 2 practical tests on the same day or within the same week or within the same month.

As for the combined instrument rating and ATP practical test. It is two separate practical tests and will require 2 separate FAA Form 8710-1 applications and 2 separate FAA Form 8060-4, Temporary Airman Certificates.

{Q&A-8}

QUESTION: 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 Part 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: Ref. § 61.123(h); 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 Commercial pilot aeronautical knowledge

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 reads (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 Commercial pilot flight proficiency

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: Ref. § 61.127(a) and (b)(2)(x); The answer is no, a 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 reads (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}

QUESTION: § 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: Ref. § 61.127(b)(1)(x); No. However, the applicant must receive aeronautical knowledge training (*meaning* ground training) on high-altitude operations and physiological and be prepared for knowledge testing.
{Q&A-112}

§ 61.129 Commercial pilot aeronautical experience

QUESTION: The question is can this § 61.129(b)(4)(i) cross country requirement be combined with the night cross country requirement of § 61.129(b)(3)(iv)? Meaning can the applicant fly the § 61.129(b)(4)(i) cross country at night combining it with the § 61.129(b)(3)(iv) cross country?

The applicant's current status: Holds a § 61.75 Private Certificate, ASEL, AMEL, Instrument Airplane (US Test Passed), AMEL VFR Only. The § 61.75 Private Pilot Certificate is based on a Spanish Commercial Pilot License – ASEL, AMEL, Instrument-Airplane Ratings. The applicant wants to obtain: Unrestricted U.S. Commercial Pilot Certificate with the AMEL rating. § 61.129(b)(4)(i) states that a cross country of more than 300 NM with one leg of 250 NM be flown.

ANSWER: Ref. § 61.129(b)(4)(i) and § 61.129(b)(3)(iv); No, you cannot combine the § 61.129(b)(4)(i) cross country requirement with the night cross country requirement of § 61.129(b)(3)(iv). § 61.129(b)(3)(iv) is a dual cross country flight training with an authorized flight instructor. § 61.129(b)(4)(i) is either a solo cross country flight or a cross country flight where the flight instructor acts as a copilot.
{Q&A-637}

QUESTION: § 61.129(i)(1)(ii) allows credit in an approved FTD to “. . . a maximum of 25 hours toward the total aeronautical experience requirements of this section for helicopter rating, . . .”. Can this be applied towards the 100 hours PIC aeronautical experience required under § 61.129(c) as well as the 150 hours total time?

ANSWER: Ref. § 61.129(i)(1)(ii) and § 61.129(c); The 25 hours allowed to be performed in a flight simulator or flight training device may only be credited for that “. . . 150 hours of flight time as a pilot . . .” of paragraph (c) in § 61.129. The “. . . 100 hours of pilot-in-command flight time . . .” [*i.e.*, § 61.129(c)(2)] must have been performed in an aircraft in flight.
{Q&A-608}

QUESTION: I hold a private pilot certificate with an airplane single engine land and instrument airplane rating. I'm working on receiving my commercial pilot certificate, with an airplane multiengine land and instrument ratings.

I was sent home from a checkride by an examiner due to incomplete endorsements and log book issues. I have a question regarding the log books entries for the flight time required to meet 61.129(b)(4). I have perused the part 61 FAQ, and it appears to be in conflict with the requirements of the examiner.

Per § 61.51, I understand I cannot log PIC time in a multi-engine airplane, since I do not hold an airplane multiengine rating. Per § 61.129(b)(4), time spent "performing the duties of pilot-in-command in a multiengine airplane with an authorized instructor" may be credited toward the 10 hours required by that rule.

The examiner wants to see these flights in my logbook with the time logged in the "PIC" column and not logged in the "Dual Received" column. He additionally wants each flight to carry the wording "performed as PIC" in the

instructor's handwriting and with the instructor's signature. Is that correct logging? I don't see how it can be, given the requirements of § 61.51.

The examiner also wants my form FAA Form 8710-1 application to show (at least) 10 hours of PIC time in the Beechcraft Duchess (BE-76) in which I'm taking the test. He specifically wants to see this in Section II.A, box "2b" of the form. Is this correct? I'm concerned about this because the box is marked simply "Pilot in command," and does not contain the "performing the duties of pilot in command" wording. I want to be sure my application is accurate.

Also, is it possible for me to receive any instruction and also "perform the duties of PIC" at the same time? I'm not asking this in order to combine the requirements of § 61.129(b)(3) and § 61.129(b)(4). I have over 34 hours in a multiengine airplane in preparation for this rating. I just want to be sure I understand what needs to happen on flights where I "perform the duties of PIC" to meet the requirements of § 61.129(b)(4). Is being sole manipulator of the controls enough? (With very minor exceptions where I asked the instructor to demonstrate a maneuver, I've been the sole manipulator of the controls on every flight I've taken since my first multiengine airplane lesson). Also, I received a logbook endorsement from my instructor midway through my training wherein he stated that I was qualified to perform the duties of PIC (that is, it's a solo endorsement).

Finally, I want to be certain that I meet the requirements of § 61.129(b)(3)(i). I have 5.3 hours of simulated and actual instrument time in the Beech Duchess. So I have the five hours of instrument training in a multiengine airplane required by § 61.129(b)(3)(i). My question is whether the other 5 hours (for a total of 10 hours) needs to be specifically in preparation for the commercial pilot certificate, or if my original instrument training time (in pursuit of my instrument rating) and training time spent in the pursuit of an Instrument Competency Check may be credited toward the requirements of this section.

ANSWER: Ref. § 61.129(b)(4) and § 61.51(e)(1)(i); An applicant may not log as Pilot-In-Command (PIC) for time acquired while performing the duties of pilot-in-command with an authorized instructor unless the person holds an airplane multiengine land rating on his/her pilot certificate. For logging purposes, the time shall be logged in the AMEL column, conditions of flight column, dual received column, and total time column. In the remarks column, your flight instructor should record "PIC training per § 61.129(b)(4)."

For example, 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: PIC training per § 61.129(b)(4).
John Doe, CFI #5555555, Exp. 12-31-00

In answer to your question concerning where to record the 10 hours of performing duties of pilot in command on the FAA Form 8710-1, Airman Certificate and/or Rating Application, it is understood that the application doesn't have a performing duties of pilot in command column. The 10 hours performing the duties as PIC with an instructor on board should be listed in the "Pilot in Command" column of the "Airman Certificate and/or Rating Application" (FAA Form 8710-1).

In answer to your question concerning whether it is possible for you to receive instruction while also "performing the duties of PIC." 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 the 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). 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.

In answer to your question concerning whether “. . . the other 5 hours (for a total of 10 hours) needs to be specifically in preparation for the commercial pilot certificate, or if your original instrument training time (in pursuit of my instrument rating) and training time spent in the pursuit of an Instrument Competency Check may be credited toward the requirements of this section.” If an applicant already holds an instrument rating, and is seeking an additional aircraft class rating within the same category of aircraft rating then 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.

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.

{Q&A-603}

QUESTION: I need specific information on the aeronautical experience requirement under § 61.129(b)(3).

I currently hold the following:

- Private Pilot Certificate
- Airplane Single Engine Land
- Airplane Multiengine Land (VFR Only)
- Instrument Airplane

I'm taking training for the Commercial Pilot Certificate-Airplane Multiengine Land rating and for removing the VFR Only limitation from my Airplane Multiengine Land rating.

I have logged about 150 hours of airplane multiengine land flight time that is mostly cross country flight time.

Do I need an additional twenty hours of flight training to take the add-on Instrument-Airplane and Commercial Pilot Certification for the for the multiengine engine airplane?

Does the cross country requirements have to be with an instructor?

Can I count the cross country time I already have provided it meets the distance and night requirements etc.?

Under § 61.129(b)(3)(i) and (ii), does the training time toward the Private Pilot Certificate-Airplane Multiengine Land rating count toward the Commercial Pilot Certificate-Airplane Multi Engine Land rating requirements?

ANSWER: Ref. § 61.129(b); Please review the Aeronautical Checklist for the required aeronautical experience. [See "Aeronautical Experience Check List" at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>].

Per § 61.129(b)(3)(iii) and (iv), that cross country flight time must have been performed with the applicant's flight instructor on board and while the applicant is receiving training for the Commercial Pilot Certificate-Airplane Multiengine Land rating. Therefore, the 150 hours of cross country flight that you logged is creditable toward the Commercial Pilot Certificate-Airplane Multiengine Land rating, but the cross country flight time is specifically required by § 61.129(b)(3)(iii) and (iv) must have been performed with the applicant's flight instructor on board and while the applicant is receiving training for the Commercial Pilot Certificate-Airplane Multiengine Land rating.

Per § 61.129(b)(3), the "... 20 hours of training on the areas of operation listed in § 61.127(b)(2) ..." must have been performed while the applicant is receiving training for the Commercial Pilot Certificate-Airplane Multiengine Land rating. Therefore, the "... 10 hours of instrument training of which at least 5 hours must be in a multiengine airplane and "... 10 hours of training in a multiengine airplane that has a retractable landing gear, flaps, and controllable pitch propellers, or is turbine powered ..." must have been performed while the applicant is receiving training for the Commercial Pilot Certificate-Airplane Multiengine Land rating. Otherwise, you cannot "double credit" the training that you received at the Private Pilot Certification- Airplane Multiengine Land rating toward the Commercial Pilot Certificate-Airplane Multiengine Land rating.

By completion of the training and the practical test for the Commercial Pilot Certificate-Airplane Multiengine Land rating, the VFR Only limitation on the Airplane Multiengine Land rating will be removed. During the training and practical test for the Commercial Pilot Certificate-Airplane Multiengine Land rating, you will receive training and testing on 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 V_{mc} (Simulated); Task E - Engine Failure After Lift-Off (Simulated); and Task F - Approach and Landing with an Inoperative Engine (Simulated) [See Commercial Pilot Practical Test Standards - FAA-S-8081-12A]. Therefore, completion of Commercial Pilot Certificate-Airplane Multiengine Land rating will remove the VFR Only limitation on the Airplane Multiengine Land rating.
{Q&A-591}

Subject: GPS and Area of Operation VII on the Private/Commercial Pilot - Helicopter Practical Test and navigation training for private pilot certification/commercial pilot certification.

QUESTION: Recently, I furthered revised and clarified my answers in Q&A 170 that related to questions about whether a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer in Q&A 170 was a conditional *yes* that a hand-held GPS receiver could be used for navigation training for private pilot certification/commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the practical test for the Private Pilot Certificate and Commercial Pilot Certificate. My answer of a conditional *yes* was predicated on whether the hand-held GPS receiver was capable for the applicant to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.

- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

I said so if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a conditional *yes* that a hand-held GPS receiver could be used.

Now, I'm being asked how an examiner would effectively evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives.

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; In answering that question, I consulted with Barry Lloyd, DPE in the Sacramento, CA FSDO. The following is just one method by which he uses to evaluate whether a hand-held GPS receiver was capable for the applicant to perform those tasks/objectives outlined in Area of Operation VII of the Private Pilot / Commercial Pilot PTS:

Exhibits knowledge of the elements related to radio navigation [and ATC radar services.]

Generally, the applicant may be asked to demonstrate how he would use the GPS navigation receiver to navigate to a point of the examiner's choosing. As well as using the receiver's internal database, this would include entry of latitude and longitude coordinates to make a user way point location and how to navigate to that location.

Selects and identifies the appropriate facilities or coordinates, as appropriate.

This task is evaluated with GPS by asking the applicant to enter, from the GPS' internal database, an airport location identifier or VOR, and verify that it is a correct identifier. Also, an applicant may be asked to enter a charted intersection or prominent charted VFR reporting point from an aeronautical sectional. Or, the applicant may be asked to enter latitude/longitude coordinates of a given point he/she or the examiner has fetched from the aeronautical sectional chart and demonstrate how to set up the GPS to navigate to that point.

Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.

This task may be evaluated by asking the applicant to show where the helicopter's position is in relation to an airport or navaid. I would consider this task demonstrated satisfactorily if the applicant knows how to use the "nearest" button or function, and can identify his position by distance and desired course relative to that known location, be it airport, navaid or intersection. Most applicants demonstrate this by giving their position as a function of course and distance to either an entered location or a location chosen after pressing the "nearest" button.

Intercepts and tracks a given radial or bearing.

This task may be evaluated by asking the applicant to fetch from the database or enter coordinates of a known location and demonstrate how to fly a constant ground track to that location. For example: When south of a VOR/airport and asked to fly inbound to the station on the 180 degree radial/bearing from, or the 360 degree course to the station, the applicant should know how to enter the appropriate VOR/airport identifier, verify his position relative to that VOR/airport, and figure out some intercept angle to fly until his GPS CDI indicates he is inbound on the proper course to, or radial/bearing from, the station. All aviation hand-held GPS units are capable of this task.

Locates position using cross radials, coordinates, or bearings.

This task is satisfactorily demonstrated when the applicant can give the courses to, or bearings (back azimuths) from, two or more locations entered into the GPS and identify his/her location as a function of the crossing of those two courses to, or bearings from those stations.

Recognizes and describes the indication of station or way point passage.

This task may be easily evaluated by asking the applicant to perform a short GPS cross country of two or more legs with a significant course change at an enroute way point that is NOT a prominent terrain feature. That way the applicant must identify the GPS's indication of way point passage rather than a pilotage identification of the way point.

An ideal way to evaluate this is to assign a short A to B to C cross country with a significant course change at a point B, which would be a latitude/longitude, user-entered way point. This is a good way to evaluate an applicant's ability to use the GPS to circumnavigate restricted airspace that is not delineated by easily-defined terrain features.

Recognizes signal loss and takes appropriate action.

Since GPS is based on a 25-50 watt radiated signal 12,000 miles away, due to the inverse square law, the received signal at the receiver's antenna is mere micro-watts. It is not uncommon for a handheld GPS with a built-in antenna to drop a few satellites and go from 3D to 2D or drop signal lock completely for a few moments as the aircraft banks and changes position. All panel mount and modern hand-held GPS units have a warning that comes up in their display when that happens. Momentarily placing the metal part of a clipboard over the antenna causes a signal drop. In this instance an applicant is expected to recognize whether he has gone from 3D to 2D or lost GPS navigation capability altogether and augment his navigation with increased pilotage navigation.

Uses proper communication procedures when utilizing ATC radar services.

[Nothing specific to GPS]

Maintains the appropriate altitude, ± 200 feet (60 meters).

[Nothing specific to GPS]

Since the inception of civil GPS, I have done extensive flying in a variety of helicopters and on a variety of missions for the USFS, BLM, Calif. Departments of Forestry and Fish and Game and other civil and government agencies, using both panel-mounted GPS and hand-held GPS. I've used Garmin, Magellan, Trimble and other lesser-known hand-held GPS units and notwithstanding a hand-held's inability to couple the display to the conventional aircraft CDI, all hand-held GPS receivers were equally capable of displaying as adequate navigation information as the panel-mounted units.

{ Q&A-572 }

Situation 1: A person is undergoing training for an instrument-helicopter rating. The helicopter the student will be receiving training in is a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR).

QUESTION: Does the helicopter have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan provided the aircraft remains in VMC. No place in § 61.65 or § 91.205(d) does it require that the helicopter be IFR certified. However, a VFR certified 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 the instruments and equipment requirements of § 91.205(d).

A person may not operate a VFR certified Robinson R-22 (meaning the aircraft not certified for IFR) in flight conditions that are less than VMC nor may a person 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 and remain in VMC.

Additionally, the FAA has established the following policy in FAA Order 8700.1 (page 8-2, paragraph 17) concerning instrument training in aircraft not certified for IFR operations:

“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.

[Intent of paragraph A: Although in this paragraph it states just “. . . airplane . . .” on the 3rd line that is asterisked, this policy also applies to helicopters and all other categories and classes and types of aircraft]*

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 certifying 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.”

{Q&A-170e}

QUESTION: Does a Robinson R-22 helicopter's flight and navigation instruments have to be IFR certified in accordance with Appendix B of Part 27?

ANSWER: Ref. § 61.65(c), § 91.205(d) and FAA Order 8700.1 (page 8-2, paragraph 17); The answer is no, an aircraft's flight and navigation instruments do not need to be IFR certified to operate on an IFR flight plan.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).

{Q&A-170e}

QUESTION: Can the aeronautical experience required by § 61.65(d) be performed in this VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 61.65(d) and FAA Order 8700.1 (page 8-2, paragraph 17). The answer is yes, the aeronautical experience required by § 61.65(d) may be performed in a VFR certified Robinson R-22.

{Q&A-170e}

QUESTION: Can the instrument training required by Appendix C of Part 141 be performed in a VFR certified Robinson R-22 (meaning the helicopter is not certified for IFR)?

ANSWER: Ref. § 141.39(e); FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the training required by Appendix C of Part 141 may be performed in a VFR certified Robinson R-22. Neither § 141.39(e), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the instrument training requirements of Appendix C of Part 141.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).
{Q&A-170e}

QUESTION: Can the practical test for the Instrument-Helicopter rating be performed in a VFR certified Robinson R-22 (e.g., non-IFR certified)?

ANSWER: Ref. § 61.45(b) and (d); and FAA Order 8700.1 (page 8-2, paragraph 17); and § 91.205(d). The answer is yes, the practical test for the Instrument-Helicopter rating may be performed in a VFR certified Robinson R-22. Neither § 61.45(b) and (d), nor § 91.205(d), prohibit the use of a VFR certified Robinson R-22 from being used for performing the practical test for an Instrument-Helicopter rating.

However, a VFR certified aircraft 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 the instruments and equipment requirements of § 91.205(d).
{Q&A-170e}

QUESTION: What are the minimum flight instruments required to be operational and onboard the helicopter to receive instrument training under § 61.65(c) (or Appendix C of Part 141) in this non-IFR certified Robinson R-22 during daytime conditions?

ANSWER: Ref. § 61.65(c) and § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).
{Q&A-170e}

QUESTION: Can a portable VOR receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating? Can a portable VOR receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b) and (d); § 91.205(d); The answer is a *conditional* yes. A portable VOR receiver may be used during instrument training and during the practical test for the Instrument-Helicopter rating provided the training / practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.

But, since you have to file an IFR flight plan to meet the instrument aeronautical experience requirements of § 61.65(d)(2)(iv), then the rule § 91.171; § 91.411, and § 91.413 also apply to this question. Otherwise, for the aircraft to be operated under IFR flight plan / ATC clearance, the aircraft's -

- VOR has to have been inspected or operationally checked; [See § 91.171]
- Static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has to have been tested and inspected; [See § 91.411] and
- ATC transponder has to have been tested and inspected. [See § 91.413]

The answer is yes, a portable VOR may be Velcro-taped to the instrument panel provided the training/practical test does not involve conducting the flight under an IFR flight plan / ATC clearance.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance? Emphasis added: “. . . *when conducting IFR operations under an IFR flight plan / ATC clearance* . . .” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Aeronautical Information Manual, page 1-1-41, paragraph f.1. NOTE No. 4; and FAA Order 8700.1, page 222-7, paragraph 13.D; No, a hand-held GPS receiver may not be used during the instrument training or for the practical test for the Instrument-Helicopter rating. And again this answer applies to doing instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance.

Per the Aeronautical Information Manual, page 1-1-41, paragraph f.1., NOTE No. 4, it states:

“VFR and hand-held GPS systems are not authorized for IFR navigation, instrument approaches, or as a primary instrument flight reference. During IFR operations they may be considered only an aid to situational awareness.”

The intent of this NOTE No. 4 here in the Aeronautical Information Manual, page 1-1-41, paragraph f.1., applies to where the flight is conducted under an IFR flight plan / ATC clearance.

As for the practical use of these hand-held GPS receivers, it is not possible to use them for IFR navigation, GPS instrument approaches, or as a primary instrument flight reference. Hand-held GPS receivers do not provide appropriate monitoring systems to ensure signal integrity or data bases for instrument approach procedures. So a hand-held GPS receiver cannot be used for executing a GPS approach. [Ref. § 91.175(a)]. 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.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . .”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . .”

Notice, this answer does not apply where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight meaning the flight is NOT being performed under an IFR flight plan / ATC clearance. Read the follow-on question and answer for that scenario.
{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight is simulated instrument flight where the examiner / flight instructor acts as ATC? Emphasis added: “. . . *meaning the flight is NOT being performed under an IFR flight plan / ATC clearance* . . .” Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems; FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used during the instrument training or for the practical test for the Instrument-Helicopter rating where the flight instructor /examiner acts as ATC and the flight is simulated instrument flight. Meaning the flight is NOT being performed under an IFR flight plan / ATC clearance.

And another basis for the answer being a *conditional* yes is because the hand-held GPS receiver must be capable of allowing the applicant to perform Area of Operation V. Navigation Systems of the Instrument Rating PTS, FAA-S-8081-4C. As per the Instrument Rating PTS, FAA-S-8081-4C, Area of Operation V. Navigation Systems, it requires the applicant to be able to:

- Exhibits adequate knowledge of the elements related to intercepting and tracking navigational systems and DME arcs.
- Tunes and correctly identifies the navigation facility.
- Sets and correctly orients the radial to be intercepted into the course selector or correctly identifies the radial on the RMI.
- Intercepts the specified radial at a predetermined angle, inbound or outbound from a navigational facility.
- Maintains the airspeed within 10 knots, altitude within 100 feet (30 meters), and selected headings within 5 degrees.
- Applies proper correction to maintain a radial, allowing no more than three-quarter-scale deflection of the CDI or within 10 degrees in case of an RMI.
- Determines the aircraft position relative to the navigational facility or from a waypoint in the case of GPS.
- Intercepts a DME arc and maintains that arc within 1 nautical mile.
- Recognizes navigational receiver or facility failure, and when required, reports the failure to ATC.

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

And per FAA Order 8700.1 [page 222-7, paragraph 13.D.] applies and it 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “ . . . 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. . . ”

Notice, this answer does not apply to instrument training / practical test for the Instrument-Helicopter rating when conducting IFR operations under an IFR flight plan / ATC clearance. Read the previous question and answer for that answer.

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for private pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation on the Private Pilot Certification practical test? Can a hand-held GPS receiver be Velcro taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes a hand-held GPS receiver may be used for navigation training for private pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the private pilot certification practical test. As per the Private Pilot – Helicopter PTS, FAA-S-8081-15, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 200 feet (60 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “. . . 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. . . ”

{Q&A-170e}

QUESTION: Can a hand-held GPS receiver be used for navigation training for commercial pilot certification or as the primary navigation radio for performing Area of Operation VII Navigation Task B. Radio Navigation and Radar Services on the Commercial Pilot Certification practical test? Can a hand-held GPS receiver be Velcro-taped to the instrument panel?

ANSWER: Ref. § 61.45(b)(1)(i) and (d)(1); Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; and FAA Order 8700.1, page 222-7, paragraph 13.D; The answer is a *conditional* yes, a hand-held GPS receiver may be used for navigation training for commercial pilot certification. The basis for the conditional yes, is because the hand-held / portable GPS must be capable of allowing the applicant to perform Area of Operation VII Navigation on the commercial pilot certification practical test. As per the Commercial Pilot – Helicopter PTS, FAA-S-8081-16, Area of Operation VII-Navigation, Task B-Radio Navigation and Radar Services; it requires the applicant to be able to:

- Exhibits knowledge of the elements related to radio navigation and ATC radar services.
- Selects and identifies the appropriate facilities or coordinates, as appropriate.
- Locates the helicopter's position relative to the navigation facilities or coordinates, as appropriate.
- Intercepts and tracks a given radial or bearing.
- Locates position using cross radials, coordinates, or bearings.
- Recognizes and describes the indication of station or way point passage.
- Recognizes signal loss and takes appropriate action.
- Uses proper communication procedures when utilizing ATC radar services.
- Maintains the appropriate altitude, ± 100 feet (30 meters).

So if your hand-held / portable GPS is capable of allowing the applicant to perform all those tasks/objectives, then my answer is a *conditional* yes.

As per FAA Order 8700.1, page 222-7, paragraph 13.D., 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.

Per 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. . . ”

So if the GPS unit requires an antenna that is internally or externally mounted, the unit is considered to be a portable electronic device and is subject to the provisions of § 91.21. Meaning “ . . . 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. . . ”

{Q&A-170e}

Situation 2: A person is undergoing training for an additional helicopter category and class rating at the commercial pilot certification level. The helicopter the person will be receiving training in is a non-IFR certified Robinson R-22.

QUESTION: 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 category and class rating at the commercial pilot certification level that is addressed in § 61.129(c)(3)(i)? Meaning the kind of instrument training where it does not require the filing of an IFR flight plan and flight is going to occur during daytime conditions.

ANSWER: Ref. § 61.129(c)(3)(i) and § 91.205(b); The instruments and equipment for the kind of instrument training required for § 61.129(c)(3)(i) during daytime conditions may be as minimal 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 and equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication receiver, and a portable navigation receiver.
{Q&A-170e}

QUESTION: Does the instrument training required by § 61.65(c) and (d) for the Instrument-Helicopter rating have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate? Does the instrument training required by § 61.129(c)(3)(i) for just the Helicopter rating at the commercial pilot certification level have to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate?

ANSWER: Ref. § 61.195(c); Yes, the instrument training required by § 61.65(c) and (d) for the Instrument Helicopter rating has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.

Yes, the instrument training required by § 61.129(c)(3)(i) for the helicopter rating at the commercial pilot certification level has to be given by a flight instructor who holds a instrument helicopter rating on his/her flight instructor certificate.
{Q&A-170e}

QUESTION: 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(c) and (d)?

ANSWER: Ref. § 61.129(c)(3)(i) and § 61.65(c) and (d); Yes, the training given to satisfy the instrument training aeronautical experience of § 61.129(c)(3)(i) may also be used to count toward the aeronautical experience of § 61.65(d).
{Q&A-170e}

QUESTION: Situation is an applicant is seeking a Commercial Pilot Certificate with the Airplane Multiengine Land Rating. Per §61.129(b)(3)(i), it states “. . . 10 hours of instrument training of which at least 5 hours must be in a multiengine airplane . . .” I am interpreting this to mean that 5 of the 10 hours of instrument training may be in a flight simulator or a flight training device or some other category and class of aircraft? What is your interpretation?

ANSWER: Ref. § 61.129(b)(3)(i); Your understanding of the rule is correct. As it states in § 61.129(b)(3)(i), in pertinent part, “. . . at least 5 hours must be in a multiengine airplane . . .” That instrument training must specifically be in the multiengine airplane for a person who is seeking a Commercial Pilot Certificate with the Airplane Multiengine Land Rating. The other remaining 5 hours of instrument training may be performed in a flight simulator or a flight training device or some other category and class of aircraft. And even though you didn't ask this question, all of the 10 hours of instrument training must have been received from a CFII with the appropriate rating (i.e., CFII – Airplane) or if the instrument training is being received from a ground instructor in a flight simulator or a flight training device, that ground instructor would be required to hold either the Advanced or Instrument Rating on his or her Ground Instructor Certificate.

This answer also applies to § 61.129(a)(3)(i) for the Commercial Pilot Certificate with the Airplane Single Engine [Land / Sea] Rating and §61.129(e)(3)(i) for the Commercial Pilot Certificate with the Powered-Lift Rating.

This answer does not apply to § 61.129(c)(3)(i) and §61.129(d)(3)(i), because the instrument training for the Commercial Pilot Certificate with the Helicopter Rating or the Commercial Pilot Certificate with the Gyroplane Rating requires the instrument training be performed “. . . in an aircraft . . .” And it was deliberately written that way when we wrote the rule to require the instrument training to be performed “. . . in an aircraft . . .” for the Commercial Pilot Certificate with the Helicopter Rating or the Commercial Pilot Certificate with the Gyroplane

Rating. However, that may change in the future because the FAA is considering a notice of proposed rulemaking to change § 61.129(c)(3)(i) and §61.129(d)(3)(i) to allow all the instrument training for the Commercial Pilot Certificate with the Helicopter Rating or the Commercial Pilot Certificate with the Gyroplane Rating to be performed in either an aircraft or a flight simulator or a flight training device. So continue to read the rules for this proposed change.

{Q&A-545}

QUESTION: An previous Q&A answers a question about receiving credit for instrument training required in accordance with 14 CFR § 61.129. The answer allows that the applicant need not accomplish the 10 hours of instrument training if the individual holds an instrument rating in the appropriate category and class rating sought.

14 CFR § 61.129(a) and (b) are pretty specific in that 5 hours of instrument time must be in an airplane. 14 CFR § 61.129(c) and (d) only require the instrument time to be accomplished in "an aircraft". Since most of the instrument training time for the helicopter and gyroplane are done in an airplane anyway, would it not be possible to give an individual who holds an instrument rating in an airplane credit for the time required under § 61.129(c) and (d) if the individual holds an instrument rating in an airplane?

There really is no safety issue involved by allowing this credit. There is no current testing requirement for instrument skill in the commercial rotorcraft PTS. The economic savings would be significant to the individual (\$75.00 plus an instructor per hour in an aircraft they already know how to fly). The instrument training received for the rating was already completed by an instrument instructor for at least 15 hours per § 61.65(d)(2)(i).

ANSWER: Ref. § 61.129(c)(3)(i) and (d)(3)(i); This answer parallels with a previous answer and rationale that I gave on Q&A 395. An applicant for a Commercial Pilot Certificate – Rotorcraft Helicopter rating (or for a Rotorcraft Gyroplane rating) who already holds an instrument rating [whether it be an Instrument-Airplane rating or Instrument-Helicopter rating or Instrument-Powered-lift rating] is not required to accomplish an additional "... 10 hours of instrument training ..."

Since the instrument training required for the Commercial Pilot Certificate – Rotorcraft Helicopter rating (or Rotorcraft Gyroplane rating) is only required to be performed "... in an aircraft ..." [the rule does not specifically require the instrument training to be performed in a helicopter or gyroplane], it would not make sense to give a different answer for this question. So, if an applicant for Commercial Pilot Certificate – Rotorcraft Helicopter rating (or for a Rotorcraft Gyroplane rating) holds either an Instrument-Airplane rating or Instrument-Helicopter rating or Instrument-Powered-lift rating, then that applicant would not be required to accomplish an additional 10 hours of instrument training for the Commercial Pilot Certificate – Rotorcraft Helicopter rating (or for a Rotorcraft Gyroplane rating).

However, as I stated in Q&A 395, don't read anything more than what is specifically stated here. What I am saying is if an applicant already holds an instrument rating then that applicant need not accomplish an additional "... 10 hours of instrument training ..." Emphasis added: the 10 hours of instrument training only. 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-helicopter or gyroplane training hours requirements from 20 hours [i.e., § 61.129(c)(3) or (d)(3)] down to 10 hours. Those required hours of training on the areas of operation listed in § 61.127(b)(3) [or .on the areas of operation listed in § 61.127(b)(4) 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.

{Q&A-478}

QUESTION: We had a applicant with a Piper Super Cub with a fixed pitch propeller ask one of our DPE's about getting a Commercial Pilot Certificate ASES add-on rating added-on to his existing Commercial Pilot Certificate with an ASEL and Instrument Airplane Rating.

The DPE looked up the information on page 6 of the commercial PTS under "Aircraft and Equipment Required for the Practical Test" which says in part, that the applicant needs to provide a complex seaplane for the practical test.

Evidently, this was brought up to one of the applicant's friends who then called us to find out if a person that holds a Commercial Pilot Certificate with the ASEL rating needs to demonstrate competency in a complex single engine seaplane to add a ASES rating.

The older PTS from 1995 I believe says in part that, regardless of the ratings held the applicant needed to demonstrate competency in a complex seaplane.

ANSWER: Ref. § 61.129(a)(3)(ii); The applicant already holds a Commercial Pilot Certificate with an ASEL rating. The person obtained his Commercial Pilot Certificate for the ASEL rating with use of a complex single engine land airplane. And the person has a complex airplane endorsement [e.g., § 61.31(e)]. If so, then the airplane for the Commercial Pilot Certificate ASES add-on rating need not be a complex single engine seaplane. The person may have applied for the Commercial Pilot Certificate ASES add-on rating with use of the Piper Super Cub with a fixed pitch propeller.

In reference to the Commercial Pilot PTS on page 6, in the paragraph noted as "Aircraft and Equipment Required for the Practical Test" that paragraph is being changed to reflect my answer. This newly drafted Commercial Pilot PTS is under review here in FAA HQ and is scheduled to be published in 2002. I have confirmed my answer with the Manager of AFS-630 and he has indicated your question is clarified in the newly drafted Commercial Pilot PTS and it will parallel with this answer.

{Q&A-473}

QUESTION: I am writing you as per our conversation regarding § 61.129. § 61.129(a)(3)(iii) read as "One cross-country flight of at least 2 hours in a single-engine airplane in day VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure."

I made a 2 hour dual training flight with Embry-Riddle in Arizona, in 1998, which satisfies this requirement. The flight was from KPRC to KLAS, a distance of 158.7 nautical miles. The flight was made in day VFR conditions, under visual flight rules, and on a VFR flight plan, training on the areas covered in § 61.127. The navigation methods used during the flight were pilotage and dead-reckoning. Approximately 12 minutes of the flight, .2 hours, were logged as simulated instrument time, "hood" training. I don't remember the exact nature of that training, but most likely it involved lost and/or other emergency procedures.

On Wednesday, 12/05/01 when I attempted to apply for my SEL Commercial Pilot Certificate, the designated examiner informed me that the flight could not be used for that requirement. I am an instrument rated private pilot with approximately 260 flight hours, and I did not use these same 12 minutes of time to count towards my instrument rating. I believe that this is a case of misinterpretation of the regulation. The flight did satisfy the FAR requirement, and it was conducted specifically for the purpose of satisfying Part 141 Appendix D, which includes the same requirement as § 61.129. Every Embry Riddle flight student in Arizona makes the same flight, and nobody has ever had it questioned, to my knowledge. The regulation does not specify anything which would disqualify that flight.

ANSWER: Ref. § 61.129(a)(3)(iii); The cross-country training flight that you described in your question from Prescott, AZ to Las Vegas, NV meets the requirements of § 61.129(a)(3)(iii).

As you described the flight, it involved a "... 2 hour dual training flight ..." and "... a distance of 158.7 nautical miles ..." and "... The flight was made in day VFR conditions, under visual flight rules ..." and "... The navigation methods used during the flight were pilotage and dead-reckoning."

Per § 61.129(a)(3)(iii) it states:

- (iii) One cross-country flight of at least 2 hours in a single-engine airplane in day VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure;

This question is different than an earlier question and scenario that I was previously asked and answered. In that question, the scenario was the instructor placed the student under the hood for the entire cross-country flight. Otherwise, the student never looked outside the aircraft during the entire cross-country flight except for the takeoff and landing phase of the cross-country flight. So essentially, the flight was instrument flight time. The student did not perform pilotage or dead reckoning navigation. The student navigated by the use of radio aids. The student was wearing a hood/view limiting device for the entire cross-country flight.

The DPE should have accepted your logged cross-country flight as meeting the requirements of § 61.129(a)(3)(iii). It was a good cross-country training flight and meets the requirements of § 61.129(a)(3)(iii).
{Q&A-471}

QUESTION: Could you meet the requirements of § 61.129(a)(3)(iii) and (iv) 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: Ref. § 61.129(a)(3)(iii) and (iv); No, you cannot meet the requirements of § 61.129(a)(3)(iii) and (iv) when the instructor places a hood on the student for the entire cross-country flight and the student never looks outside the aircraft. That kind of flight is instrument flight time under simulated IFR conditions. The intended conditions of these cross-country flights are “. . . VFR conditions . . .” The use of pilotage and/or dead reckoning navigation is the intended cross-country training in § 61.129(a)(3)(iii) and (iv).

You indicated in your question that the “. . . instructor placed you under the hood . . .” and I am assume what you are saying is the instructor placed the student under the hood for the entire cross-country flight. So the question you are asking and the question I am answering is a cross-country training flight where the instructor placed the student under the hood for the entire cross-country flight. Otherwise, the student never looked outside the aircraft during the entire cross-country flight except for the takeoff and landing phase of the cross-country flight. So, essentially, the flight was instrument flight time. The student did not perform pilotage or dead reckoning navigation. The student navigated by the use of radio aids. The student was wearing a hood/view limiting device for the entire cross-country flight.

{Q&A-93}

QUESTION: I was reading about a single-engine airplane that is equipped with a F.A.D.E.C system (stands for “Full Authority Digital Engine Control”) that controls both the engine and propeller with a single lever control. The airplane has a retractable landing gear and flaps. Would this kind of airplane qualify as a complex airplane for the purpose of the commercial pilot – airplane training and certification and the complex airplane endorsement?

ANSWER: Ref. § 61.31(e) and § 61.129(a)(3)(ii); The answer is no, the kind of airplane that you described as being equipped with a F.A.D.E.C system that controls both the engine and propeller with a single lever control would not meet the requirements for an airplane equipped a controllable pitch propeller. Therefore, such airplanes could not be used for the training to receive the complex airplane endorsement required by § 61.31(e) “. . . (an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller) . . .” Nor can they be used for the commercial certificate aeronautical experience required by § 61.129(a)(3)(ii) or § 61.129(b)(3)(ii) [. . . training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller . . .].

{Q&A-467}

QUESTION: A person holds a Private Pilot Certificate with a AMEL rating. The applicant is applying for a Commercial Pilot Certificate for the ASEL rating. Is he required to receive the complex airplane training as set forth in § 61.129(a)(3)(ii) even though the person already hold an AMEL rating at the private pilot certificate level?

ANSWER: Ref. § 61.129(a)(3)(ii); The answer is yes, the applicant is required to receive the 10 hours of complex airplane training as set forth in § 61.129(a)(3)(ii).
{Q&A-444}

QUESTION: A question has come up regarding § 61.129(a)(4)(i) from an examiner in our district.

A private pilot conducted a cross-country flight from Pompano, FL to Virginia making ONE stop in South Carolina. He stayed overnight visiting friends and the next day he returned to Florida using the reverse route. He now wants to apply this cross-country flight to meet the requirement for § 61.129(a)(4)(i).

The questions are: 1) If this is one flight, how many days can elapse and still be counted as one flight? i.e. one night, three nights, 2 weeks, 1 month, etc?

ANSWER: Ref. § 61.129(a)(4)(i) and § 61.1(b)(3)(ii); Yes, it is a good cross-country. This cross-country can be counted for § 61.129(a)(4)(i) purposes and also for § 61.65(d)(1) purposes.

If my geography is correct, a cross-country flight from Pompano, Florida to Virginia and return is a “. . . cross-country flight of not less than 300 nautical miles total distance.” And the first stop in South Carolina is “. . . at least is a straight-line distance of at least 250 nautical miles from the original departure point” (i.e., Pompano, Florida). And the cross-country flight involved “. . . landings at a minimum of three points . . .” (i.e., airport at South Carolina, Virginia, and Pompano, Florida). Yes, the landing on the return trip back to Pompano, Florida counts as one of the 3 landings.
{Q&A-433}

QUESTION: If you can conduct this flight over time, (i.e., one night, three nights, two weeks, one month, etc.), then can you use cumulative flights to satisfy, for instance, the one flight requirement specified in § 61.65(d)(2)(iii)?

ANSWER: Ref. § 61.56(d)(2)(iii) and § 61.1(b)(3)(ii) Once you have returned back at the original point of departure and begin new planning for a cross-country flight for the next day/week/month these become separate cross-country flights. Cross-country flights from the original point of departure even on consecutive days can not be “added together.” As an example of what I am saying in this answer is that an IFR training flight from an original point of departure to an airport 75 NM away and return to the original point of departure with an instrument approach at each airport (150 NM total distance) can not be added to an IFR training flight the next day/week/month from the original point of departure to another airport 51 NM the other direction and return to the original point of departure with instrument approaches at each airport (total 101 NM distance) to attain the 250 NM required by § 61.65(d)(2)(iii).
{Q&A-433}

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: 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: 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 experiences 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

{Q&A-364}

QUESTION: 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: 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) could 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 . . .”
{Q&A-364}

QUESTION: 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: Ref. § 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: 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: 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: 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: 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: 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 § 61.45(b)(i)(ii). Can this be done?

ANSWER: 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.

§ 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: 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: Ref. 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 reads 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: § 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 the excess of 50 nautical miles or at night is prohibited."

ANSWER: Ref. § 61.133(b)(1); Instrument ratings are issued for airplanes at the category rating level only. § 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 the 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, § 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}

QUESTION: 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: Ref. § 61.129; 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) 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;

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 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, let's 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 seaplanes), flaps and controllable pitch propeller or is turbine-powered. But, only as part of these hours that are not 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: 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: Ref. Per Public Law 103-411 and FAA Order 8700.1, Volume 2, Chapter 1, page 1-46 and 1-47, paragraph 9.B. and Ref. § 61.129(c); 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: 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: Ref. § 61.129(a)(3); You’re asking, 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.

It reads “. . . training on the areas of operation listed in § 61.127(b)(1) 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: In a previously answered Q&A, 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 Seneca 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 reads “. . . 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 Seneca 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: Ref. § 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: 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: Ref. § 61.129(c)(4); 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: 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: 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: 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: 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 that 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 cross country (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?” § 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: The 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)? § 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: Ref. § 61.129(f)(2) that 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.
{Q&A-184}

QUESTION: 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: Ref. § 61.129(f)(2): 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 . . .”
{Q&A-184}

QUESTION: 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: Ref. § 61.129(f)(2): 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.
{Q&A-184}

QUESTION: 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: 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:

§ 61.109 Aeronautical experience. § 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. § 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: Ref. § 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 Brittan 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 Brittan 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: 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: Ref. Per § 61.123(h); 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: 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: Ref. § 61.129(b)(4); 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.

{Q&A-180}

QUESTION: 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: Ref. § 61.129(b)(4). There is no loophole. Such time cannot be logged as PIC flight time. See as in my answer No 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 § 61.127(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 § 61.129(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: Ref. § 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 May 26, 1998, 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 preamble in the final rule correction document that was published in the Federal Register (78 FR 20284; April 23, 1998) concerning the revision to § 61.129(b)(4) as follows:

From the preamble of the final rule [Amdt. No. 61-104]: Reference § 61.129(b)(4) as adopted in the final rule Amdt. No. 61-104, May 26, 1998, which reads: “. . . *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.*”

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 flight time is not authorized unless the applicant holds a private pilot certificate with a multiengine rating.

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 paragraph 4 requiring?

ANSWER: Ref. § 61.129(h)(4); 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 § 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 § 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. § 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 . . ."

The preamble of the final rule correction document that was published in the Federal Register (78 FR 20284; April 23, 1998) concerning the revision to § 61.129(b)(4) reads 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 flight 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 reads 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: § 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: 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: 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 pilot 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.
{Q&A-169}

QUESTION: 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: Ref. § 61.123(e)(1) and (f); 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 § 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: Ref. § 61.1(b)(3)(ii)(B) and § 61.129(a)(3)(iii); 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 were to add a multiengine class rating, he or she would do so under § 61.63(c). § 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 § 61.31(d)(2) could "serve" as PIC of a multiengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under § 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of § 61.31(d), could you log PIC flight time in a multiengine airplane under § 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: Ref. § 61.51(e): Do not mix "to serve as pilot in command" vs. "logging" PIC flight time. § 61.51(e) is the rule that address "logging" PIC flight time.

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

For the time while serving as PIC of a multiengine airplane while under the supervision of a flight instructor: from the preamble of the final rule of Amdt. No. 61-104: "Reference § 61.129(b)(4) as adopted in the final rule Amdt. No. 61-104, May 26, 1998, 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: What is the definition or an interpretation of the term "original point of departure" contained in § 61.129(b)(3)(iii).

ANSWER: Ref. § 61.129(b)(3)(iii); 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. 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 § 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 a pilot who already holds a commercial pilot certificate conducted this flight, 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: Ref. § 61.129(b)(3)(iii); 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 that particular commercial publishing company’s issuance of the rules, and not the FAA’s Code of Federal Regulations. The FAA’s rule is 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. The commercial publishing company 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: Ref. § 61.195(b); 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.
{Q&A-38}

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: Ref. § 61.129(c)(3)(i); 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.
{Q&A-38}

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: Ref. § 91.205(b) and (d); The minimum instruments and equipment required are the daytime VFR instruments and equipment listed in § 91.205(b) and IFR instruments and equipment listed in § 91.205(d)(2) through (9).
{Q&A-38}

QUESTION: 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: Ref. § 61.1(b)(2)(ii) and § 61.129(c)(3)(i); 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 for the term "authorized instructor" that 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.
{Q&A-66}

QUESTION: 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: Ref. § 61.129(c)(ii) and (iii). 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: Ref. § 61.1(b)(15) and § 61.129(b)(3)(ii); 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: Must the solo cross country 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 cross country 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.). Might not 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: Ref. § 61.129(a)(4); It reads "solo" and we intended it to be "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: Ref. § 61.129(a)(4); Per § 61.129(a)(4) it reads 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: For the airplane single and multiengine ratings at the commercial pilot certification level, the rule reads 50 hours cross country 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?

ANSWER: Ref. § 61.129(a)(2)(ii) and (b)(2)(ii); The rules have been corrected and § 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: § 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..."

The old § 61.129(b)(1)(ii) read "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: Ref. § 61.129(a)(3)(ii); 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: 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: Ref. § 61.129(a)(3)(ii); 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: 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: Ref. § 61.129(c)(3)(i) and the Commercial Pilot – Rotorcraft Helicopter PTS FAA-S-8081-16; 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 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: 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 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 (who does not hold an AMEL rating) and the flight instructor both log it as PIC flight time?

ANSWER: Ref. § 61.51(e)(1)(i) and (3); No, the student may not log the time as PIC time. The flight instructor can log PIC flight 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 an airplane multiengine rating, 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: 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: Ref. § 61.129(a)(3)(ii); 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, the per § 61.129(b)(3)(ii) the applicant would be required to accomplish the complex airplane training in a complex multiengine airplane.

{Q&A-74}

QUESTION: 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 cross country or getting the instrument training?

ANSWER: Ref. § 61.129(b)(3) and 61.129(b)(4); A total of 30 hours is required. § 61.129(b)(3) and 61.129(b)(4) are separate requirements and cannot be combined.

QUESTION: Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL. Does § 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 cross country in airplanes, 5 hours instrument training in airplanes, etc?

ANSWER: Ref. § 61.63(b) and § 61.129; Yes, § 61.63(b) does apply. Yes, the aircraft category requirements of § 61.129 apply.

QUESTION: 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: Ref. § 61.51(e)(3) and § 61.51(e)(1)(i); 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: 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: Ref. § 61.1(b)(10); Yes, the instrument training required by § 61.129 requires a CFII (with the appropriate aircraft and instrument rating on the CFI certificate) to provide the flight training.

{Q&A-60}

QUESTION: Per § 61.129(a)(4)(i), it requires a solo cross-country flight of not less than 300 NM. The existing requirement [ref: § 61.129(b)(3)(ii)] requires PIC flight 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 correction document. Was it your intention to require solo time instead of PIC and will this issue be address in the corrections document?

ANSWER: Ref. § 61.129(a)(4)(i); This cross-country flight is required to be solo. Yes, we intended the pilot to perform that cross country flight solo. Meaning, nobody but the person who is training for the commercial pilot certificate can be aboard the aircraft during this “solo” cross country flight.

{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: Ref. § 61.129(f); § 61.129(f)(1) requires the 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

Per § 61.129(f)(2) requires the 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.

Please review the Aeronautical Checklist for the required aeronautical experience. [See "Aeronautical Experience Check List" at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>].

{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: Ref. § 61.63(b)(1), 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. Please review the Aeronautical Checklist for the required aeronautical experience. [See "Aeronautical Experience Check List" at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>].

{Q&A-83}

QUESTION: Here is the scenario: An Applicant holds Private Pilot Airplane Single Engine Land and Instrument Rating. He intends to obtain 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: Ref. § 61.129(b)(4); The preamble of the final rule correction document that 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 flight time under § 61.51(e)".
{Q&A-3}

§ 61.131 Commercial pilot night flying cross country requirements

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 about the new night restriction for Alaska [e.g., § 61.131;]. Does the one year time frame for completing the required training apply to those pilots certificated prior to August 4, 1997?

ANSWER: Ref. § 61.131; 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.
{Q&A-21}

QUESTION: For those certificated after August 4, 1997 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: Ref. §§ 61.131; Just like the rule (i.e., § 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: Ref. § 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 Commercial pilot privileges & limitations

QUESTION: An airman gets a Commercial Certificate ASEL in May of 1973. He has no instrument rating but no limitations were put on his commercial pilot certificate because rule did not come about until 1974. In 1987 he takes a practical test for Commercial Pilot Certificate for an AMEL rating. The question arises that since he was grandfathered in on the limitation of carrying passengers for hire on cross-country flights in excess of 50 NM or at night is prohibited back in 1974, does this grandfather clause still cover him for the Commercial Pilot Certificate AMEL rating he received in 1987 or should that limitation have been put on his certificate to cover multiengine operations?

ANSWER: Ref. § 61.133(b); 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" should have been placed on the person's pilot certificate.

Historically, the FAA haven't taken away privileges when it changes the rules. However, when a person applies for an additional ratings where the new rule would apply, it would be appropriate to enforce the new rule. In this case, the applicant applied for an additional AMEL rating at the commercial pilot certification level. Therefore, § 61.133(b) was in effect in 1987 and the applicant would be prohibited from carrying passengers for hire in airplanes on cross country flights in the excess of 50 nautical miles or at night.

In a review of the preamble language of that final rule (38 FR 3156; February 1, 1973; Amendment 61-60) where the FAA incorporated § 61.133(b) into the Part 61, the FAA stated:

"A number of comments expressed the fear that a person holding a commercial pilot certificate on the effective date of this section would have to hold or obtain an instrument rating in order to continue to exercise the privileges of his certificate. This is not the case, and a minor change has been made to paragraph (a) of § 61.129 [now exists as

§ 61.133(b)] to make it clear that the provisions of that paragraph apply to applicants for a commercial pilot certificate. There were also a number of comments objecting to the addition of the requirement that an applicant for a commercial pilot certificate must hold an instrument rating in airplanes or have his pilot certificate endorsed with a limitation prohibiting the carriage of passengers and cargo for hire in airplanes on cross-country flights of more than 50 nautical miles, or at night. The FAA, however, considers this requirement as an appropriate upgrading of the certification requirements for a commercial pilot. The need for this upgrading is based on the increasing complexity of modern aircraft and flight operations and the ever increasing size of the terminal control areas and positive control airspace in which IFR capability is required.”
{Q&A-617}

QUESTION: Can a Designated Pilot Examiner with a balloon authorization remove the limitation “Limited to Hot Air Balloons with Airborne Heater”, or must a Flight Standards Inspector remove it? 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: Ref. § 61.133(b); Yes, a person who holds a commercial pilot certificate with the airplane rating but without the instrument-airplane rating issued prior to November 1, 1974 are grandfathered in

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: 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? § 61.43

(d) states An applicant is not eligible for a certificate or rating sought until all the areas of operation are passed. § 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: Ref. § 61.133(b) and FAA Order 8700.1, Volume 2, page 6-5, Section 2, paragraph 5.k.(f);

For 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, For 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 cross country of 50 nautical miles or at night is prohibited."

QUESTION: 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 For 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 cross country 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 For 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 cross country 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: 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: 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 cross country 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 the 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: 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}

This correction is a result of the change to the Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A, Additional Rating Task Table – Airplane Multiengine Land, page 2-v. Per the Additional Rating Task Table – Airplane Multiengine Land in the Private Pilot PTS – Airplane, it now requires the applicant for an additional Airplane Multiengine Land rating at the private pilot certification level to complete Area of Operation XI. Multiengine Operations.

QUESTION: The situation is I have an applicant who holds a Private Pilot Certificate with an Airplane Single Engine Land rating with an Instrument – Airplane rating. 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 then the pilot certificate will be issued with the limitation, “The carriage of passengers for hire in (airplanes) (powered-lifts) on cross-country flights in the excess of 50 nautical miles or at night is prohibited?” At the time of application, this applicant’s pilot certificate reads as follows:

PRIVATE PILOT
AIRPLANE SINGLE ENGINE LAND
INSTRUMENT AIRPLANE

ANSWER: Ref. § 61.45(b)(1)(i); No, an applicant may not be allowed to use an aircraft that is incapable of performing the instrument areas of operations of the practical test because the aircraft is not equipped with the proper instruments.

Per § 61.45(b)(1), it states, in pertinent part, “. . . an aircraft used for a practical test must have--(i) The equipment for each area of operation required for the practical test;

As for the phrase in § 61.45(b)(1) where it states “. . . (1) Except as provided in paragraph (b)(2) of this section, . . .” the intent of that phrase in reference to § 61.45(b)(2) applies to an applicant to permit “. . . use of an aircraft with operating characteristics that preclude the applicant from performing all of the tasks required for the practical test . . .” [Emphasis added “. . . operating characteristics . . .”] This exception provision in § 61.45(b)(2) isn’t intended to apply to an aircraft’s instrument and equipment and in fact § 61.45(b)(2) makes a clear distinction in that it clearly states “. . . may use an aircraft with operating characteristics that preclude the applicant from performing all of the tasks . . .”

An example of “. . . operating characteristics . . .” is in the case of the:

- Ercoupe 415B without rudder pedals.
- Cessna 336/337 that does not have a Vmc speed.
- Airbus A300, A320, A330, A340 and the Boeing B777 that have operating characteristics due to their design that make the aircraft incapable of performing steep turns.

[See FAA Order 8700.1, Volume 2, page 1-24, paragraph E and page 27-2, paragraph 3.I]

Therefore, the “. . . aircraft used for a practical test must have--(i) The equipment for each area of operation required for the practical test . . .” [See § 61.45(b)(1)(i)]

For clarification concerning the question “. . . Can the applicant be allowed to take the practical test and then the pilot certificate will be issued with the limitation, “The carriage of passengers for hire in (airplanes) (powered-lifts) on cross-country flights in the excess of 50 nautical miles or at night is prohibited? . . .” Ref. § 61.133(b)(1) and § 61.133(b)(1) and FAA Order 8700.1, Volume 2, page 8-6, Section 2, paragraph 5.I.(3); Since the applicant already holds an Instrument-Airplane rating, there is no need to add the limitation “*NOT VALID FOR CARRIAGE OF PERSONS FOR HIRE IN AIRPLANES ON CROSS-COUNTRY FLIGHTS OF MORE THAN 50 NAUTICAL MILES OR AT NIGHT.*”

QUESTION: 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 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 the excess of 50 nautical miles or at night is prohibited?"

ANSWER: Ref. §§ 61.43(d) and 61.45(b)(1)(i) and (ii); 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 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-220b}

QUESTION: The situation is I have an applicant who holds a Private Pilot Certificate with an Airplane Single and Multiengine Land ratings 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: Ref. 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."
{Q&A-220b}

QUESTION: I have a situation where an applicant is seeking an additional Airplane Multiengine Land class rating at the Private Pilot Certification level. The applicant currently holds a Private Pilot Certificate with an Airplane Single Engine Land rating and an Instrument-Airplane rating (meaning the applicant accomplished his Instrument – Airplane rating in a single engine airplane). The applicant does not want instrument privileges for the Airplane Multiengine Land rating and does not want to demonstrate the required instrument tasks. The multiengine airplane the applicant is taking the practical test in is instrument capable. But the applicant does not want instrument privileges and is agreeable to receive the "VFR Only" limitation on his Airplane Multiengine Land rating. Can this applicant accomplish the additional Airplane Multiengine Land rating at the Private Pilot Certification level without being required to accomplish Area of Operation XI. Multiengine Operations Tasks C and D and receive the "VFR Only" limitation on the Airplane Multiengine Land rating?

ANSWER: Ref. Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A, Additional Rating Task Table – Airplane Multiengine Land, page 2-v; The applicant must accomplish Tasks C and D of Area of Operation XI. As of August 2002, the Private Pilot PTS – Airplane (SEL, MEL, SES, MES), FAA-S-8081-14A was revised and now the applicant is not permitted the choice of electing not to accomplish Engine Failure During Flight and (Task C) and Instrument Approach-One Engine Inoperative by reference to instruments (Task D). The applicant must be tested on Tasks C and D unless the aircraft is not capable of performing these required instrument tasks.
{Q&A-220b}

§ 61.153 ATP eligibility requirements

QUESTION: I have an applicant who had his pilot certificate and ratings revoked because he made a false statement on his medical certification application about a past DUI conviction. My questions are does this applicant have to take the Private Pilot certification knowledge test and practical test, Commercial Pilot certification knowledge test and practical test, and Instrument rating knowledge test and practical test before he can reapply to take his ATP certification knowledge test and practical test? And a follow-on question, does a person who has had his pilot certificate and ratings revoked get to continue to count his previously logged aeronautical experience when he first earned his Private Pilot Certificate, Commercial Pilot Certificate, ATP Certificate, and Instrument rating?

ANSWER: Ref. § 61.153(d)(1), § 61.123(h), and § 61.65(a)(1); Yes, the applicant must retake the Private Pilot Certification knowledge test and practical test, Commercial Pilot Certification knowledge test and practical test, and Instrument rating knowledge test and practical test before he can reapply to take the ATP certification knowledge test and practical test.

The person's previously logged aeronautical experience may continue to be counted. His ATP certificate was revoked due to a false statement on his medical application, but no where is it permitted that the FAA can revoke his previously logged aeronautical experience.
{Q&A-639}

Subject: GPS - Pilot Certification and Proficiency Checks

Background: The following includes a question that was raised regarding the use of GPS equipment which may or may not be installed in a airplane / simulator / flight training device during the training and testing of an operator's pilots in their approved (Part 135/121) training program. In general, among the FAA Training Center Program Managers (TCPM) ranks there are a variety of interpretations of the Practical Test Standards involving GPS training and checking. This has led to a general review by the FAA's Air Transportation Division, AFS-200, and General Aviation and Commercial Division, AFS-800, of the requirements for GPS training, checking and testing. The following describes the situation that brought about this review:

- Pilots employed by an FAA certificated air carrier under going initial training with a 142 certificated training center.
- 142 Training Center was contracted to conduct the operators approved training and checking programs
 - The air carrier is not authorized to conduct GPS approaches
 - The 142 Training Center's flight training devices and simulators have GPS equipment installed
- The ATP and Aircraft Type Rating PTS for Airplane, "Aircraft and Equipment Requirements for the Practical Test" (on page 11) states: "If the aircraft/flight training device/flight simulator has a GPS properly installed, the applicant must demonstrate GPS approach proficiency."

Parts 135/121 Air Carrier Operators

QUESTION: When conducting an air carrier approved training program (situation above): Does the pilot when receiving initial training/checking have to demonstrate GPS proficiency in the simulator/FTD? (Ref: § 61.157)

ANSWER: Ref. § 61.157(b) and (c); Per § 61.157(c) states, in pertinent part, that the flight crew-member "... need not comply with the requirements of Paragraph (b) of this section if the applicant presents a training record that shows satisfactory completion of that certificate holder's approved PIC training program for the aircraft type rating sought." § 61.157(b) points to § 61.157(c) to further indicate that the same applies to the issuance of an initial ATP. This rule, therefore, permits the issuance of an initial ATP as well as the addition of a Type Rating to a certificate based on the satisfactory completion of an air carrier's approved training program. It effectively makes Part 121, Appendix F the controlling document with respect to the required maneuvers necessary for the issuance of an ATP/Type Rating. This also holds true with regard to flight crew-members operating under Part 135, wherein § 135.341(a) requires that the air

carrier flight crew-member training consist of “. . . approved training program . . . that is appropriate to the operations to which each pilot . . . is to be assigned. . .” In both instances, it is the training record showing satisfactory completion of that certificate holder’s approved PIC training program that leads to the issuance of an ATP and/or Type Rating.

Part 91 Operators.

QUESTION: When conducting a practical test for pilot certification for a Part 91 operator’s § 61.58 check: Must the operator demonstrate GPS proficiency in the aircraft/simulator/FTD during their § 61.58 check?

ANSWER: Ref. § 61.153(g) and “ATP and Aircraft Type Rating” PTS, FAA-S-8081-5D, page 11; Although we recognize the impact of changing technology on the aviation industry, it is the responsibility of the individual pilot/operator to ensure they are knowledgeable and skilled in the use of the equipment appropriate to the type of operation to be conducted. There is no plan to require training centers to install GPSs in their approved training devices in order to ensure that all ATP/Type Rating applicants are trained and tested in “. . . airplanes/simulators/FTD for the purpose of demonstrating approach proficiency on GPS.” Enforcing training and testing requirements on equipment not installed in an operator’s aircraft that is as variable as GPS (with one aircraft type having as many as 22 different makes/models of GPS) does not afford any type of standard for the certification of airmen. Likewise, it does not necessarily create a safe or knowledgeable operator of GPS, as that would certainly depend on the type of GPS, and the individuals level of proficiency and recency of the training. We do feel it is appropriate to test the applicant on GPS procedures when the airman has enrolled in an approved 14 CFR part 142 training course that includes GPS training, and when the simulator/FTD has an approved and operable GPS.

This is not to discourage pilots from acquiring training on the principles of GPS, as all can appreciate the value and future of this technology. However, the controlling factor which determines what training, checking, and testing elements are required in airplanes/simulators/FTD for Part 91 operators depends on the actual equipment installed in the operators aircraft and/or the type of training the individual contracted, not on what may or may not be installed in a particular simulator or FTD.

Changes will be made to the ATP and Aircraft Type Rating PTS on page 11, “Aircraft and Equipment Requirements for the Practical Test.” The last sentence of the first paragraph will be replaced with the following:

“If the practical test is conducted in the aircraft and the aircraft has an operable and properly installed GPS, the applicant must demonstrate GPS approach proficiency when asked. If the applicant has contracted for training in an approved course that includes GPS training, and the airplane/simulator/FTD has a properly installed and operable GPS, the applicant must demonstrate GPS approach proficiency when asked. When a practical test is conducted for a 14 CFR Part 121/135 operator, the operator’s approved training program is controlling.”

Answered by: Ruth Grasel, AFS-840, National Program Manager – Training Centers
{Q&A-554}

QUESTION: Can an applicant be administered an ATP practical test in an airplane that requires a type rating and if completed satisfactorily only receive the ATP Certificate with Airplane Multiengine Land rating? An applicant is wishing to take an ATP practical test in an airplane that requires a type rating (I think he said in a Cessna 500). The applicant's company does not want the applicant to receive the CE500 type rating. The applicant is willing to only apply for the ATP certificate, and waive the type rating. Is this permissible?

ANSWER: Ref. § 61.5(b)(5)(ii) and § 61.13(a); No, it is not permissible for an applicant to be administered an ATP practical test in an airplane that requires a type rating and then permit that applicant to waive the type rating.

Per § 61.5(b), it states “. . . The following ratings are placed on a pilot certificate (other than student pilot) when an applicant satisfactorily accomplishes the training and certification requirements for the rating sought . . .” The key words “. . . are placed on a pilot certificate . . .” The words “. . . are placed . . .” does not permit the applicant, his company, or the FAA a choice of not placing the type rating on his pilot certificate if he satisfactorily passes the

practical test. It is mandatory that the type rating be placed on the pilot certificate if the applicant satisfactorily passes the practical test. Notice, the words didn't say "may" it reads "... are placed ..."

And as a side issue to justify this policy, the applicant, per § 61.39(a)(3) and (6), is required:

§ 61.39 Prerequisites for practical tests.

(a) Except as provided in paragraphs (b) and (c) of this section, to be eligible for a practical test for a certificate or rating issued under this part, an applicant must:

* * *

(3) Have satisfactorily accomplished the required training and obtained the aeronautical experience prescribed by this part for the certificate or rating sought;

* * *

(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—

* * *

§ 61.39(a)(3) and (6) requires that the applicant to have completed type specific training in the Cessna 500 and to have received the required logbook endorsement. And also per § 61.157(b), it requires type specific training in the Cessna 500 and a logbook endorsement. If the applicant passes the practical test, the CE500 must be placed on the applicant's pilot certificate. Not "may" but must be placed on the applicant's pilot certificate [per § 61.5(b)(5)(ii)].

And per § 61.13(a), the FAA establishes the "... manner acceptable to the Administrator ..." for issuing an airman certificate, ratings, or authorization, and in this situation allowing the applicant or his company to dictate the terms of issuing an airman certificate or rating is not acceptable to the Administrator.

{Q&A-510}

QUESTION: A person holds a U.S. ATP certificate with an AMEL rating. He holds no other ratings at any pilot certificate level. He wishes to add the ASEL rating to his ATP certificate. What testing must be accomplished?

I referred to § 61.165(e), which sets forth the requirements for adding a different class, but same category rating to an ATP certificate. One of the items in this section states the airman must meet the eligibility requirements of § 61.153 (except for the knowledge test requirement of paragraph (f)). Among the requirements listed, is holding at least a commercial pilot certificate and an instrument rating. Since the wording does not specify that this requirement must be met for the category and class appropriate for the rating sought, I believe that the pilot may take the ATP practical test in ASEL without having to pass a test for ASEL at the commercial level.

The introduction to the ATP PTS has a paragraph dealing specifically with sea plane add on ratings. The guidance specifically requires the accomplishment of tasks from the commercial PTS for sea planes when the pilot does not already hold a sea plane rating at the commercial level. Such specific guidance for sea plane add on ratings with the absence of guidance for land plane ratings solidifies my impression.

Does the applicant have to accomplish testing for the ASEL rating at the commercial pilot certification level before he would be eligible to take the practical test for ATP ASEL add on. We would appreciate your help so we can pass along the correct information to our examiner.

ANSWER: Ref. § 61.153(d)(1) and § 61.165(e)(3) and § 61.159(a); The applicant would only need to take the practical test for the Airplane Single Engine Land rating at the ATP certification level (see the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D).

An applicant for an additional Airplane Single Engine Land rating at the ATP certification level would not need to accomplish a practical test for the Airplane Single Engine Land rating at the commercial pilot certification level to be eligible to take the practical test for an additional Airplane Single Engine Land rating at the ATP certification level.

The required aeronautical experience for a person to apply for an additional Airplane Single Engine Land rating at the ATP certification level is addressed in § 61.159(a). You stated the applicant in your question already holds an

ATP certificate with an Airplane Multiengine Land rating, so that applicant will have already met the appropriate airplane aeronautical experience to apply for the additional Airplane Single Engine Land rating at the ATP certification level. To apply for the additional Airplane Single Engine Land rating at the ATP certification level, the prerequisite eligibility requirements are addressed in § 61.165(e).
{Q&A-481}

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 § 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 is 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 § 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 § 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:

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.

Currently, § 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}

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 Herzegovina; 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: 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: 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: Ref. § 61.153(d)(1). It doesn't require him to hold a Commercial Pilot Certificate with an multiengine rating. It reads a "Commercial Pilot Certificate and an instrument rating."
{Q&A-32}

QUESTION: Secondly, if eligible, would this circumstance require an endorsement from a CFI on the FAA Form 8710 application?

ANSWER: Ref. § 61.153; Your second question, no it does not require a flight instructor's endorsement on FAA Form 8710-1 application. 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 wants 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 though 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: 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: Ref. § 61.153(d)(2); No the military pilot does not need to take and pass the military comp test first. In this situation, the military pilot only needs to take and pass the ATP knowledge test and then pass the ATP practical test.

{Q&A-73}

QUESTION: 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: Ref. 61.153(d)(1), Yes, but the applicant must meet all the appropriate experience requirements of § 61.159 for category and class.

{Q&A-60}

QUESTION: An person has asked if he can take the ATP knowledge test without a commercial pilot certificate and instrument rating. I've reviewed 61.153, 61.155, 61.35, and the preambles the final rules of Amdt Nos. 61-102 and 61-103) and it is not clear to me.

ANSWER: Ref. § 61.153(f); There is no eligibility prerequisite 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 ATP flight proficiency

QUESTION: This office has received a request for an airplane type rating in a Fokker F-27 that we need some answers on. Here is the situation. The applicant holds a U.K. (British) ATP license with several airplane type ratings. He also holds a U. S. ATP Certificate with an Airplane Multiengine Land rating.

He would like to take an airplane type rating practical test in a Fokker F-27 to get this F-27 type on his U.S. ATP Certificate. He is intending to use a U.K. (British) registered Fokker F-27 airplane for the practical test to take place

in this country. § 61.39(c) allows him to not have the instructor endorsements otherwise required. § 61.45(a)(2)(ii) allows him, at the discretion of the examiner, to use a U.K. registered Fokker F-27 for the practical test. § 61.157(b) requires the applicant to receive and log training from an authorized instructor on the areas of operation that apply to that aircraft. Because he already holds the Fokker F-27 type on his foreign pilot license, does he still have to show a record of training to take the test for the Fokker F-27 type rating on his U. S. ATP Certificate?

ANSWER: Ref. § Ref. § 61.157(b)(1) and (2); § 61.39(c)(1); and § 61.41(a)(2); Since the applicant already holds the Fokker F-27 type rating on his U.K. ATP license, the applicant would not need a logbook endorsement required by § 61.157(b)(1) and (2) from a U.S. certificated flight/ground instructor. However, the person would be required to show compliance with § 61.157(b)(1) and (2) from the U.K. (British) authorized instructor who gave him the training when he earned the Fokker F-27 type rating on his U.K. ATP license.
{Q&A-636}

QUESTION: This question pertains to non-precision approach issue on ATP checks. The background on it comes from page 2-17 and 2-19 of the PTS, where it seems to be clear that two precision and two non-precision approaches are necessary to properly complete the two tasks. In each case they further restrict one of the precisions to be manually flown, and one of the non-precisions to be manually flown without radar vectors.

The question for AFS-600 then becomes, in light of the guidance on pages 2-17, and 2-19, what circumstance might arise on a check ride, or before a check ride that would permit an examiner to waive a non-precision approach (*See* the NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D), that states:

“NOTE: If TASK D, Nonprecision Instrument Approaches, the second approach may be waived, if the applicant demonstrates a high degree of proficiency on the first approach and the applicant’s training records or instructor certification show that the applicant has satisfactorily completed the nonprecision approach training requirements. The instrument approaches are considered to begin when the airplane is over the initial approach fix for the procedure being used and end when the airplane touches down on the runway or when transition to a missed approach configuration is completed. Instrument conditions need NOT be simulated below the minimum altitude for the approach being accomplished.”

The interpretation that I have heard is that in a closely controlled Part 142 school program, where an individual has shown excellent performance throughout all training on non-precision approaches, that the requirement for one of the non-precision approaches can be signed off prior to the actual check ride.

I would like to know what conditions does the NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D refers to that would permit waiving the requirement for one of the non-precisions on a check ride.

ANSWER: Ref. § 61.157(j), § 61.43(a)(1); FAA Order 8400.10, Volume 5, Chapter 2, Section 2, page No. 5-55, paragraph 87.B., and Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D, page 2-20;

Specifically, the question that you’re asking about pertains to the NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D, and specifically where it states “. . . the second approach may be waived, if the applicant demonstrates a high degree of proficiency on the first approach and the applicant’s training records or instructor certification show that the applicant has satisfactorily completed the non-precision approach training requirements”

That statement in the NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D that allows an examiner to waive an applicant from having to perform the second non-precision approach on a practical test only [emphasis added: ONLY] applies when an examiner is conducting a pilot proficiency check, in accordance with § 121.441 or a pilot proficiency/instrument proficiency check in accordance with § 135.293 and § 135.297, as appropriate.

In FAA Order 8400.10, Volume 5, Chapter 2, Section 2, page No. 5-55, paragraph 87.B., third sentence, it states:

“B. Non-precision Approaches. Inspectors and examiners shall require applicants to demonstrate two non-precision instrument approaches that are authorized in the operator’s operations specifications. The second approach must be based on a different type of navigational aid (NAVAID) than the first approach. The second approach may be waived, if an applicant demonstrates a high degree of proficiency on the first approach and the applicant’s training records or instructor certification show that the applicant has satisfactorily completed the non-precision approach training requirements.”

Therefore, the NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D, only applies when an examiner is conducting a pilot proficiency check, under § 121.441, or a pilot proficiency/instrument proficiency check under § 135.293 and § 135.297, as appropriate.

In discussing the NOTE on page 2-20 with the FAA’s Airman Testing Standards Branch, AFS-630, they indicated the NOTE will be revised in next update to the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D to reflect this association with the pilot proficiency check, under § 121.441, and a pilot proficiency/instrument proficiency check under § 135.293 and § 135.297.

The NOTE on page 2-20 in the Airline Transport Pilot and Aircraft Type Rating PTS, FAA-S-8081-5D is not applicable to a general aviation applicant for a practical test for the Airline Transport Pilot Certificate or aircraft type rating. Only when an air carrier [i.e., Part 121 or Part 135] applicant is receiving a pilot proficiency check, under § 121.441, or a pilot proficiency/instrument proficiency check under § 135.293 and § 135.297, for an Airline Transport Pilot Certificate or aircraft type rating may an examiner waive the second non-precision approach.
{Q&A-583}

Subject: GPS - Pilot Certification and Proficiency Checks

Background: The following includes a question that was raised regarding the use of GPS equipment which may or may not be installed in a airplane / simulator / flight training device during the training and testing of an operator’s pilots in their approved (Part 135/121) training program. In general, among the FAA Training Center Program Managers (TCPM) ranks there are a variety of interpretations of the Practical Test Standards involving GPS training and checking. This has led to a general review by the FAA’s Air Transportation Division, AFS-200, and General Aviation and Commercial Division, AFS-800, of the requirements for GPS training, checking and testing. The following describes the situation that brought about this review:

- Pilots employed by an FAA certificated air carrier under going initial training with a 142 certificated training center.
- 142 Training Center was contracted to conduct the operators approved training and checking programs
 - The air carrier is not authorized to conduct GPS approaches
 - The 142 Training Center’s flight training devices and simulators have GPS equipment installed
- The ATP and Aircraft Type Rating PTS for Airplane, “Aircraft and Equipment Requirements for the Practical Test” (on page 11) states: “If the aircraft/flight training device/flight simulator has a GPS properly installed, the applicant must demonstrate GPS approach proficiency.”

Parts 135/121 Air Carrier Operators

QUESTION: When conducting an air carrier approved training program (situation above): Does the pilot when receiving initial training/checking have to demonstrate GPS proficiency in the simulator/FTD? (Ref: § 61.157)

ANSWER: Ref. § 61.157(b) and (c); Per § 61.157(c) states, in pertinent part, that the flight crew-member “. . . need not comply with the requirements of Paragraph (b) of this section if the applicant presents a training record that shows satisfactory completion of that certificate holder’s approved PIC training program for the aircraft type rating sought.”

§ 61.157(b) points to § 61.157(c) to further indicate that the same applies to the issuance of an initial ATP. This rule, therefore, permits the issuance of an initial ATP as well as the addition of a Type Rating to a certificate based on the satisfactory completion of an air carrier's approved training program. It effectively makes Part 121, Appendix F the controlling document with respect to the required maneuvers necessary for the issuance of an ATP/Type Rating. This also holds true with regard to flight crew-members operating under Part 135, wherein § 135.341(a) requires that the air carrier flight crew-member training consist of ". . . approved training program . . . that is appropriate to the operations to which each pilot . . . is to be assigned. . ." In both instances, it is the training record showing satisfactory completion of that certificate holder's approved PIC training program that leads to the issuance of an ATP and/or Type Rating.

Part 91 Operators.

QUESTION: When conducting a practical test for pilot certification for a Part 91 operator's § 61.58 check: Must the operator demonstrate GPS proficiency in the aircraft/simulator/FTD during their § 61.58 check?

ANSWER: Ref. § 61.153(g) and "ATP and Aircraft Type Rating" PTS, FAA-S-8081-5D, page 11; Although we recognize the impact of changing technology on the aviation industry, it is the responsibility of the individual pilot/operator to ensure they are knowledgeable and skilled in the use of the equipment appropriate to the type of operation to be conducted. There is no plan to require training centers to install GPSs in their approved training devices in order to ensure that all ATP/Type Rating applicants are trained and tested in ". . . airplanes/simulators/FTD for the purpose of demonstrating approach proficiency on GPS." Enforcing training and testing requirements on equipment not installed in an operator's aircraft that is as variable as GPS (with one aircraft type having as many as 22 different makes/models of GPS) does not afford any type of standard for the certification of airmen. Likewise, it does not necessarily create a safe or knowledgeable operator of GPS, as that would certainly depend on the type of GPS, and the individuals level of proficiency and recency of the training. We do feel it is appropriate to test the applicant on GPS procedures when the airman has enrolled in an approved 14 CFR part 142 training course that includes GPS training, and when the simulator/FTD has an approved and operable GPS.

This is not to discourage pilots from acquiring training on the principles of GPS, as all can appreciate the value and future of this technology. However, the controlling factor which determines what training, checking, and testing elements are required in airplanes/simulators/FTD for Part 91 operators depends on the actual equipment installed in the operators aircraft and/or the type of training the individual contracted, not on what may or may not be installed in a particular simulator or FTD.

Changes will be made to the ATP and Aircraft Type Rating PTS on page 11, "Aircraft and Equipment Requirements for the Practical Test." The last sentence of the first paragraph will be replaced with the following:

"If the practical test is conducted in the aircraft and the aircraft has an operable and properly installed GPS, the applicant must demonstrate GPS approach proficiency when asked. If the applicant has contracted for training in an approved course that includes GPS training, and the airplane/simulator/FTD has a properly installed and operable GPS, the applicant must demonstrate GPS approach proficiency when asked. When a practical test is conducted for a 14 CFR Part 121/135 operator, the operator's approved training program is controlling."

Answered by: Ruth Grasel, AFS-840, National Program Manager – Training Centers
{ Q&A-554 }

Situation: An applicant completed a DC-9 type rating in which some training [see § 61.157(b)] and some of the practical test (85% or less of the practical test) [see § 61.157(b)(3)] was accomplished in a flight simulator. And some training and some of the practical test (at least 15% or more of the practical test) was accomplished in the aircraft in flight [see § 61.157(b)(3)]. The applicant did not complete a Part 142 approved training program. The applicant uses his own flight instructor who is not affiliated with an approved Part 142 training course or with the Part 142 Training Center that operates the flight simulator. Essentially what is happening is the applicant rents both the flight simulator and flight instructor, both are outside of an approved Part 142 training course.

The essence of my question is whether it is permissible under § 61.157(e) and § 142.1(b) for an applicant for a DC-9 type rating at the ATP certification level to accomplish the required training and practical test in a flight simulator where the applicant rents the flight simulator (outside of an approved Part 142 training course) and also uses his own flight instructor (outside of an approved Part 142 training course).

QUESTION: In accordance with 14 CFR § 142.1(a), (b), and (c), I'm requesting answers to the following questions:

§ 142.1(b) states when Part 142 certification is not required, specifically paragraph (b)(3). What regulation states that no individual may rent a simulator for the uses I've described in my question?

Where in Part 61 does it state for an applicant for an ATP add-on type rating requires the training to be under Part 142 if he/she receives training and checking in both a flight simulator and the aircraft as how it was done in the situation I've stated in my question?

ANSWER: Ref. § 61.157(b)(1) and (3) and § 61.157(g); It is not permissible under § 61.157(e) or § 142.1(b) for an applicant to accomplish the required training and practical test in a flight simulator where the applicant rents the flight simulator and flight instructor outside of an approved Part 142 training course.

The applicant in your question is not accomplishing the training and practical test for the DC-9 type rating in accordance with § 61.157(g), so the use of a flight simulator for all or any of the training and practical test does not apply to this applicant.

Paragraph (b)(1) of § 61.157 addresses the training requirements and paragraph (b)(3) addresses the practical test requirements. In both § 61.157(b)(1) and (3), the rule requires the training and the practical test to be accomplished in the aircraft in flight.

Per § 61.157(b)(1), "... Must receive and log ... flight training ..." Emphasis added: flight training, and flight training means "... that training, other than ground training, received from an authorized instructor in flight in an aircraft." [see § 61.1(b)(6)]

Per § 61.157(b)(3), "... Must perform the practical test in actual or simulated instrument conditions ..." which means the practical test must be performed in the aircraft in flight.

The use of a flight simulator is not permitted. If you're not accomplishing the training and practical test in accordance with a Part 142 approved training program, the applicant must use the aircraft for the training and the practical test.

You've stated in your question that the applicant used the flight simulator for some of the training and practical test and the aircraft for some of the training and practical test [85% of the practical test in a flight simulator and 15% of the practical test in the aircraft]. Under § 61.157(g)(7)(i), an applicant is allowed to use both the flight simulator and aircraft on the practical test if it is done in an approved Part 142 training program. Also under Part 121 and Part 135, an applicant is allowed to use both the flight simulator and aircraft for training and practical test if it is done in an approved Part 121 or Part 135 training program. And under Part 141, a flight simulator is permitted to be used for some of the training provided the training is conducted in accordance with an approved Part 141 training course.

Reference your question, "*What regulation states that no individual may rent a simulator for the uses I've described in my question?*" Per § 61.157(b)(1) and (3), it requires the training and practical test to be performed in the aircraft unless the applicant accomplishes the training in an approved Part 142 training program [see § 61.157(g)(2) or (g)(7)(i) or (ii), as appropriate].

Reference your other question, "*Where in Part 61 does it state an applicant for an ATP add-on type rating requires the training to be under Part 142 if he/she receives training and checking in both a flight simulator and the aircraft*"

as how it was done in the situation I've stated in my question?" Again, § 61.157(b)(1) and (3) requires the training and practical test to be performed in the aircraft unless the applicant accomplishes the training in an approved Part 142 training program [see § 61.157(g)(2) or (g)(7)(i) or (ii), as appropriate].
Q&A 544

QUESTION: Is it permissible for a person to "dry-lease" a flight simulator with his flight instructor to receive training for a CE-500 type rating? The training will be performed at a Part 142 training center but not under that Part 142 training center's approved training program. The training in the flight simulator is intended to comply with required training of § 61.157(b)(1) [or § 61.63(d)(3)], as appropriate.

ANSWER: Ref. § 61.157(g)(2) [or § 61.63(e)(3)]; The answer is no, a person may not "dry lease" a flight simulator with his flight instructor outside of an approved Part 142 training program. Per § 61.157(g)(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." And per § 61.63(e)(3), ~~"the use of a flight simulator or flight training device permitted by paragraph (e)(2) of this section shall be conducted in accordance with an approved course at a training center certificated under part 142 of this chapter."~~

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QUESTION: Reference § 61.157(g)(2) [or § 61.63(e)(3)], those rules seem to prohibit a person from "dry leasing" a flight simulator outside of an approved Part 142 training program, then what is the intent of § 142.1(b)(3) where it states ~~"certification under this part is not required for training that is-(3) Conducted under part 61 unless that part requires certification under this part . . ."~~? It seems that language in § 142.1(b)(3) ~~means a person is able to~~ "dry lease" a flight simulator with his flight instructor outside of an approved Part 142 training program.

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ANSWER: Ref. § 61.157(g)(2) [or § 61.63(e)(3)]; ~~Both § 61.157(g)(2) and § 61.63(e)(3) state that a 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."~~ Meaning, the training must be conducted under an approved Part 142 training program.

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However, as for example, § 61.129(i)(1)(i) permits the use of a flight simulator with an authorized instructor for 50 hours of credit outside of an approved Part 142 training program for meeting the aeronautical experience requirements for commercial pilot certification for an airplane or powered lift rating. Section 61.129(i)(1)(i) is an example of what ~~is intended under § 142.1(b)(3)~~. Another example ~~is~~ § 61.109(i)(1) where it would be permissible to dry lease a flight simulator with an authorized instructor for 2.5 hours of credit outside of an approved Part 142 training program for meeting the aeronautical experience requirements for private pilot certification for the airplane or powered lift rating. Another example of what is intended under § 142.1(b)(3) is § 61.65(e)(2) for meeting the aeronautical experience requirements for the instrument rating.
{Q&A-542}

SUBJECT: Section 61.157(g)(9)(ii); Requirements for removal of the supervised operating experience limitation.

QUESTION: I have a supervised operating experience limitation on my airline transport pilot certificate that states "This certificate is subject to pilot-in-command limitations for the additional rating." The limitation requires that I accomplish 25 hours of supervised operating experience in a Lear 20/35 as a PIC under the supervision of a qualified and current PIC, in the seat normally occupied by the PIC, in an airplane of the same type for which the supervised operating experience limitation applies.

I need these questions answered:

- If one cannot act as the PIC prior to removal of the supervised operating experience limitation, what is the supervised operating experience recorded as? Is it "SIC" flight time?
- Consider that I may not act as PIC, according to § 61.157(g)(9)(ii), then how do I get 25 hours of PIC flight time?

- Based on § 61.157(g)(9)(ii), can I log PIC flight time on part 91 flights from the right seat as sole manipulator of the controls with the experienced and current PIC next to me?
- Can I count this right seat time toward my 25 hours of supervised operating experience to remove the supervised operating experience limitation?
- If not, since the Learjet does not have a normal seat for the PIC, except as is designated for the flight, does it matter and why does it matter which seat I sit in?
- My logbook currently shows 640 hours of flight time in Learjets and 75 hours of flight time as the sole manipulator of the controls during non revenue flights (Part 91 flights). All of this time is from the right seat. And further, I have logged this flight time as PIC flight time. I was told this was legal. While I have not had the limitation removed, should this have been SIC flight time?
- If I must be in the left seat, then do I get to log PIC flight time during the 25 hours of supervised operating experience as a special case or do I log it as SIC flight time during the 25 hours of supervised operating experience?
- Can I get the limitation removed based on my experience as I have described in my question to you?

ANSWER: Ref. § 61.157(g)(9)(i) and (ii), § 61.51(a)(1), § 61.51(b), and § 61.51(e)(1)(i); In accordance with § 61.157(g)(9)(ii), [i.e., “. . . in the seat normally occupied by the pilot in command . . .”], the normal PIC seat is the left seat for the LR JET. It is the only seat that a pilot may sit in to accomplish supervised operating experience as pilot in command.

Per § 61.157(g)(9)(i), the rule says you “. . . May not act as pilot in command of the aircraft for which an additional rating was obtained under the provisions of this section until the limitation is removed from the certificate.” § 61.157(g)(9)(i) doesn't say you may not log pilot in command flight time. § 61.157(g)(9)(i) addresses the requirements for acting as the PIC vs. § 61.51(e)(1)(i) which addresses the requirements for logging of PIC flight time. Per § 61.51(e)(1)(i), you may log PIC flight time when the person is the “. . . sole manipulator of the controls of an aircraft for which the pilot is rated.” You hold the LR Jet type rating on your pilot certificate, so when you were the sole manipulator of the controls you may log the time as PIC flight time.

Now per § 61.51(a)(1), a person who must accomplish supervised operating experience as a PIC [as in the case of § 61.157(g)(9)(ii)] “. . . 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.” [see § 61.51(a)(1)]

Documenting and recording each flight of supervised operating experience of § 61.157(g)(9)(ii) must be in accordance with § 61.51(b). An example of the endorsement that the supervising qualified and current pilot in command should place in the applicant's logbook would be like:

“I certify that (First name, MI, Last name) has received supervised operating experience in the (name the type of aircraft) [see of § 61.157(g)(9)(ii)]. S/S [date] J.J. Jones ATP 987654321”

In order for the 640 hours of flight time in the LR Jet or the 75 hours of flight time as the sole manipulator of the controls in the LR Jet to be creditable for meeting the requirements of § 61.157(g)(9)(ii):

- You must have recorded and documented the supervised operating experience [see § 61.51(a)(1) and (b)].
- You must have accomplished the supervised operating experience in the left seat (the seat normally occupied by the pilot in command) [see § 61.157(g)(9)(ii)].

- The supervised operating experience must have been under the supervision of a qualified and current pilot in command [see § 61.157(g)(9)(ii)].

And per § 61.51(e)(1)(i), you may log PIC flight time when you were the sole manipulator of the controls in the LR Jet.

You may not act [emphasis added: “act”] as the PIC of the LR Jet until the supervised operating experience limitation is removed from your pilot certificate [see § 61.157(g)(9)(i)].
{Q&A-540}

QUESTION: The supervised operating experience limitation listed in § 61.63(e)(7) and in § 61.157(g)(5) states “This certificate is subject to pilot-in-command limitations for the additional rating.” The question is how would one determine which aircraft that supervised operating experience limitation applies to when a person may hold multiple aircraft type ratings? How should the supervised operating experience limitation be stated on the pilot certificate? How would the required amount of supervised operating experience be shown (i.e., 15 hours of supervised operating experience)?

As for example, a person holds CE-500, LR-45, and G-159 type ratings. The person’s pilot certificate contains the supervised operating experience limitation that requires supervised operating experience for the CE-500 and the LR-45 type ratings. The supervised operating experience limitation does not apply to the G-159 type rating. How should the supervised operating experience limitation be stated on the pilot certificate to show the supervised operating experience limitation applies to the CE-500 and the LR-45 type ratings and not the G-159 type rating? How would the required amount of supervised operating experience be shown for the CE-500 and the LR-45 type ratings (i.e., 15 hours of supervised operating experience)?

ANSWER: Ref. §§ 61.63(e)(7) or 61.157(g)(5); The supervised operating experience limitation shall state:

This certificate is subject to pilot-in-command limitations for CE-500 and LR-45.

When the person has logged the required supervised operating experience in either the Cessna 500 or the Learjet 45, the supervised operating experience limitation may be removed from both the CE-500 and LR-45 type ratings. That means the pilot is required to accomplish all the required supervised operating experience in one of the types of turbojet airplane ratings held. That means the person cannot do 5 hours of supervised operating experience in the Cessna 500 and then do the remaining required 10 hours of supervised operating experience in the Learjet 45. The required supervised operating experience must all be performed in one of the types of turbojet airplane type ratings held and cannot be performed combining the time flown in the two types to equal up to 15 hours of supervised operating experience. That is way the rule is written [see §§ 61.63(e)(8)(ii) or (e)(12)(ii) or § 61.157(g)(6)(ii) or (g)(9)(ii), as appropriate]. The required supervised operating experience must all be performed in one of the turbojet airplane types that the supervised operating experience limitation applies and then that removes the supervised operating experience limitation on the other turbojet airplane type ratings held.

The required amount of supervised operating experience (i.e., 15 hours of supervised operating experience) is so noted in the applicant’s logbook and signed by the examiner/training center evaluator who administers the practical test. The required amount of supervised operating experience (i.e., 15 hours of supervised operating experience) is not listed on the pilot certificate.

A recommended required logbook entry for establishing the required amount of supervised operating experience would be:

In accordance with § 61.157(g)(6)(ii), Jon D. Smalls’ ATP certificate No. 555553637 for the CE-500 type rating is subject to 15 hours of required supervised operating experience as pilot in command under the supervision of a qualified and current pilot in command, and in the seat normally occupied by the pilot in command in a Cessna 500. S/S [date] J.J. Jones, WP-SDL FSDO No. 07

{Q&A-530}

QUESTION: Another question, a person goes through FlightSafety's CE-500 type rating course and accomplishes the entire practical test in a flight simulator and receives a limitation for supervised operating experience.

The person does not fly the required supervised operating experience in the Cessna 500. The person's pilot certificate shows the supervised operating experience limitation for the CE-500 type rating. Next, the person goes through FlightSafety's CE-650 type rating course and again accomplishes all the training and testing in a flight simulator. The person claims he/she qualifies for the 100% practical test in the Cessna 650 under 14 CFR § 61.157(g)(3) without the supervised operating experience limitation because he/she holds "... a type rating for a turbojet airplane of the same class of airplane for which the type rating is sought ..." by holding the CE-500 type rating on his/her ATP certificate [see § 61.157(g)(3)(ii)(A)].

The question is, does the applicant actually qualify to take another 100% practical test in a flight simulator for the CE-650 type rating and then be eligible to receive a clean CE-650 type rating (meaning without any supervised operating experience limitations)?

ANSWER: Ref. §§ 61.63(e)(4)(ii)(A) or 61.157(g)(3)(ii)(A). The answer is no, this applicant is not eligible to receive a clean CE-650 type rating (meaning without the supervised operating experience limitation).

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 § 61.157(g)(3)(ii) [or in subparagraph (A) in § 61.63(e)(4)(ii), as appropriate] requires that the type rating to be a clean CE-500 type rating (meaning without a S.O.E limitation). The applicant would not qualify under § 61.157(g)(3)(ii)(A) [or under § 61.63(e)(4)(ii)(A), as appropriate] to take a 100% practical test in a flight simulator for the CE-650 type rating without receiving the appropriate supervised operating experience limitation on his/her CE-650 type rating.
{Q&A-530}

QUESTION: Can "VFR only" type ratings be issued in surplus military aircraft that are IFR equipped and capable?

ANSWER: Ref. § 61.63(h) and § 61.157(b)(3); Per § 61.63(h), a person who applies for an addition of an aircraft type rating (at other than at the ATP certification level) may obtain a type rating limited to "VFR only" if the aircraft is not capable of instrument maneuvers and procedures. But you stated in your question that the aircraft is IFR equipped and capable, so the applicant must perform the practical test in actual or simulated instrument conditions [see § 61.63(d)(5)].

Per § 61.157(b)(3), a person who applies for an addition of an aircraft type rating (at the ATP certification level) is required to 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. But again, in your question you stated the aircraft is IFR equipped and capable, so the applicant must perform the practical test in actual or simulated instrument conditions [see § 61.157(b)(3)].
{Q&A-517}

QUESTION: I want to apply for a de Havilland DHC-8 type rating and accomplish all the training and practical test in a flight simulator. I've been told I'm not eligible to enroll in the DHC-8 type rating course conducted entirely in a flight simulator. I hold the following pilot certificate and ratings:

Airline Transport Pilot Certificate
Airplane Single Engine Land
Airplane Multiengine Land
Airplane Single Engine Sea
Airplane Multiengine Sea
DC-3

I do not hold a type rating in a turbo-propeller airplane. I have not logged 500 hours of flight time in a turbine-powered airplane. I have not logged at least 500 hours of flight time in a de Havilland DHC-8. I have not logged at least 1000 hours of flight time in at least two different airplanes requiring a type rating. I do not hold a type rating in a turbojet airplane. I have not logged 100 hours of flight time in airplanes in the preceding 12 calendar months and which requires a type rating and is of the same class as the de Havilland DHC-8. I have not logged 25 hours of flight time in airplanes of the de Havilland DHC-8 for which the type rating is sought in the preceding 12 calendar months.

The problem I see is still with § 61.157(g)(4)(ii)(A). This rule leaves out the combination of someone who holds a type rating in a propeller-driven airplane and seeks a type rating in a turbo-propeller-driven airplane (e.g., for somebody who has a DC-3 type rating and is seeking a type rating in a turbo-propeller-driven type of airplane, like the de Havilland DHC-8).

Another question is as to § 61.157(g)(4)(ii)(A), though it reads “turbojet” can the DHC-8 qualify to meet this requirement.

ANSWER: Ref. § 61.157(g)(3) and (4); You would not qualify to be able to use a flight simulator for all of the training and the required practical test.

- You do not hold a type rating in a turbo-propeller airplane. [see § 61.157(g)(3)(ii)(B)]
- You have not logged 500 hours of flight time in a turbine-powered airplane. [see § 61.157(g)(3)(ii)(C)]
- You have not logged at least 500 hours of flight time in a de Havilland DHC-8. [see § 61.157(g)(3)(ii)(D)]
- You have not logged at least 1000 hours of flight time in at least two different airplanes requiring a type rating. [see § 61.157(g)(3)(ii)(E)]
- You do not hold a type rating in a turbojet airplane. [see § 61.157(g)(4)(ii)(A)]
- You have not logged 100 hours of flight time in airplanes in the preceding 12 calendar months and which requires a type rating and is of the same class as the de Havilland DHC-8. [see § 61.157(g)(4)(ii)(B)(1)]
- You have not logged 25 hours of flight time in the de Havilland DHC-8 in the preceding 12 calendar months. [see § 61.157(g)(4)(ii)(B)(2)]

A de Havilland DHC-8 is not a turbojet airplane and would not meet the requirements of § 61.157(g)(4)(ii)(A) as “. . . Holds . . . a type rating in a turbojet airplane if a type rating in a propeller-driven airplane is sought . . .” A de Havilland DHC-8 is a turbo-propeller airplane.

{ Q&A-500 }

QUESTION: Logging of “cruise co-pilot” flight time for ATP upgrade: Hong Kong Civil Aviation regulations provide for a type rating called “cruise co-pilot.” Under such rating, the co-pilot can only operate the aircraft during cruise (i.e. they are not allowed to occupy the pilot seat during take-off and landing under normal circumstances). I would appreciate if you could advise us whether FAA issues similar kind of type rating and is there any limitation on recognizing cruise co-pilot flying hours towards ATP upgrade?

ANSWER: Ref. 14 CFR § 61.5(b)(5); § 61.157(b); & Airline Transport Pilot and Aircraft Type Rating Practical Test Standards (PTS), FAA-S-8081-5D or FAA-S-8081-20; There is no “cruise co-pilot” type rating or similar operating privilege issued by the Federal Aviation Administration (FAA). Holder of private pilot certificates and commercial pilot certificates may acquire type ratings just as holders of airline transport certificates may. Per 14 CFR § 61.63(d)(4), holders of a private pilot certificate or a commercial pilot certificate “. . . must pass the required practical test appropriate to the airline transport pilot certificate for the aircraft category, class and type rating sought.”

The standards for a type rating (whether it be holders of a private pilot certificate, commercial pilot certificate, or a holder of an ATP certificate) are one standard and are found in the Airline Transport Pilot and Aircraft Type Rating Practical Test Standards – FAA-S-8081-5D for airplanes or FAA-S-8081-20 for ratings in helicopters. The successful completion of a type rating practical test, as established by the Airline Transport Pilot and Aircraft Type Rating Practical Test Standards merit the issuance of a type rating regardless of whether the applicant holds a private pilot certificate, commercial pilot certificate, or an ATP certificate.

Our rules that govern pilot logbook entries (logging pilot experience) is addressed in 14 CFR § 61.51. The pilots described by your term “cruise co-pilot” type rating would not be considered as “rated in the aircraft” for the purpose of logging pilot in command time, as prescribed in 14 CFR § 61.51(e)(1). Therefore, the pilot you described as holding a “cruise co-pilot” type rating would not be able to log that time as pilot-in-command time.

Now the pilot experience of a holder of your “cruise co-pilot” type rating may meet our logging of “second-in-command (SIC) time, as specified by 14 CFR § 61.51(f). We are assuming the aircraft for your “cruise co-pilot” type rating requires more than one pilot. Our rule, 14 CFR § 61.51(f)(2), that applies to logging SIC time requires that the pilot hold the appropriate aircraft category, class, and instrument rating.

To be more accurate with my answer to you, I would need to know whether these pilots that you have stated are licensed as “cruise co-pilots” are recognized by ICAO. If so, your “cruise co-pilot” time may be equivalent to our SIC time and may be used towards meeting the 1,500 hours of pilot time as required by 14 CFR § 61.159(a). [See 14 CFR § 61.159(c) and the limitations set forth in 14 CFR § 61.159(d), as appropriate].
{Q&A-486}

QUESTION: Is the requirement to not test a “No Flap Approach” under Part 121 in error? In addition, should it actually say the “No Flap Approach” is required to be trained as required in Part 121, Appendix E?

As for example, the Flight Standardization Board's (FSB) report for the Canadair CL-600 (model No. 2C10) calls for testing the “No Flap Approach” maneuver on the type rating practical test. Appendix F of Part 121 does not require testing the “No Flap Approach” task for PIC checks under Part 121. Appendix E of Part 121 does require training in on “No Flap Approach” under Part 121.

Paragraph 7.1.3 referred to in the FSB report for the Canadair CL-600 (model No. 2C10) states:

No Flap Approaches and Landings. Demonstration of a no flap approach and landing during a 14 CFR Part 61 Appendix A or 14 CFR part 121 Appendix F check is required per the Airline Transport Pilot and/or Type Rating Practical Test Standards (FAA-S-8081 Area of Operation VI, Task F). The “Flap 1” (slats 20 / Flaps 0) position should be used for this demonstration in the type rating practical test. In accordance with FAA Order 8400.10, when the flight demonstration is conducted in an airplane, vs. a flight simulator, a touchdown from a “No Flap Approach” is not required. The approach should be flown to the point where the inspector or examiner can determine whether the landing would or would not occur in the touchdown zone.

Also, Part 61, Appendix A no longer exists.

ANSWER: Ref. § 61.157(f)(1) and Appendix F of Part 121, item VI.(h). and Ref. § 61.43(d) and “Airline Transport Pilot and Aircraft Type Rating Practical Test Standards” FAA-S-8081-5D [Area of Operation VI – Landings and Approaches to Landing, Task F – Landing from a No Flap or a Nonstandard Flap Approach].

Your question requires me to answer with 2 different scenarios.

First scenario: Ref. § 61.157(f)(1) and Appendix F of Part 121, item VI.(h);

For the Part 121 or Part 135 applicants who accomplish a type rating in accordance with § 61.157(f) through Appendix F of Part 121 [i.e., item VI.(h) “Landing gear and flap systems failure or malfunction”], § 61.157(f) applies to this scenario.

As per § 61.157(f)(1), “. . . Successful completion of a pilot-in-command proficiency check under § 121.441 of this chapter or successful completion of both a competency check, under § 135.293 of this chapter, and a pilot-in-command instrument proficiency check, under § 135.297 of this chapter, satisfies the requirements of this section for the appropriate aircraft rating . . .” And item VI.(h) of Appendix F, Part 121 permits the testing of the No Flap Approach maneuver to be performed in a flight training device and does not require it to be tested in the actual aircraft.

A exception to the § 61.157(f)(1) provision would be where an FSB report specifically requires testing of a maneuver or procedure on the pilot proficiency check whereas Appendix F of Part 121 may not require it or has a different requirement. In a situation where the FSB report specifically requires testing of a maneuver or procedure on the pilot proficiency check then the maneuver/procedure must be tested regardless what Appendix F of Part 121 states. However, the Flight Standardization Board may eliminate this requirement on a case-by case" basis.

Second scenario: Ref. § 61.43(d) and "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards" FAA-S-8081-5D [Area of Operation VI – Landings and Approaches to Landing, Task F – Landing from a No Flap or a Nonstandard Flap Approach];

For all other applicants, other than the Part 121 or Part 135 applicants, who are required to be administered a practical test for a type rating in accordance with the "Airline Transport Pilot and Aircraft Type Rating Practical Test Standards" FAA-S-8081-5D, § 61.43(d) applies to this scenario. As per § 61.43(d), "... An applicant is not eligible for a certificate or rating sought until all the areas of operation are passed ...". The applicant must be tested on Task F – Landing from a No Flap or a Nonstandard Flap Approach during the practical test.

Whether the task must be tested in the actual aircraft or in an approved flight simulator or flight training device is dependent on whether the applicant received his or her training under a Part 142 approved program at a Training Center. And additionally, a specific flight simulator or flight training device must be approved for the Landing from a No Flap or a Nonstandard Flap Approach maneuver and procedure.

{Q&A-458}

QUESTION: Applicants training at a 142 training center, for an air carrier client (121 or 135), are being trained under their approved training program and will receive an initial type at the completion of training. The PTS says that if the aircraft or simulator has a GPS installed that the applicant must conduct a GPS approach. During this initial training, if the air carrier does not have GPS authorized in their operations specifications must they still comply with the PTS and demonstrate the GPS approach (provided the simulator and/or aircraft has a GPS installed)?

ANSWER: Ref. § 61.157(f); If the air carrier in question is a Part 121 certificate holder and the applicant is a pilot employee of that air carrier, I can answer the question quite simply: Training and checking are not required in part 121 for an approach that the operator is not authorized to conduct per the air carrier's operation specifications. The reverse is also true, if GPS approach authorization were added to the air carrier's operation specifications. Because, then an applicant of a Part 121 certificate holder may be required to be tested on GPS approaches during his/her § 121.441 PC check. Part 61 and the Airline Transport Pilot and Aircraft Type Rating—Airplane PTS, FAA-S-8081-5D don't apply to the Part 121 air carrier's PC checks, because when the initial PIC check is accomplished under § 121.441 it equates to a Part 61 required practical test [i.e., § 61.157(f)]. And subsequent PC checks accomplished under § 121.441 meet the recurrent testing requirements. § 121.441 aligns with appendix F of Part 121 for the required events and maneuvers to be tested. Appendix F of Part 121 is the prevailing document for addressing training and testing of applicants of Part 121 certificate holders.

Now for the applicant of a Part 135 certificate holder, it depends on whether that applicant and the Part 135 certificate holder conduct their training and testing in accordance with appendix F of Part 121 [which is possible in accordance with § 135.3(b) and (c)] or the training and testing is conducted in accordance with subparts G and H of Part 135. If the applicant's and Part 135 certificate holder's training and testing is approved under subparts G and H of Part 135, then Part 61 and the Airline Transport Pilot and Aircraft Type Rating—Airplane PTS, FAA-S-8081-5D does apply for conducting the required type rating practical test. If the applicant and Part 135 certificate holder conduct their training and testing under appendix F of Part 121, then the answer provided in the first paragraph above applies. Appendix F of Part 121 is the prevailing document for addressing training and testing of applicants of Part 135 certificate holders who conduct their training and testing under appendix F of Part 121.

{Q&A-441}

QUESTION: have a question about non-precision approaches required for ATP or additional type ratings. It states two non precision approaches, then says "i.e. NDB and VOR or LOC. My interpretation is it may be a VOR and LOC, not necessarily a NDB and one other type, but any combination of two non precision approaches.

ANSWER: Ref. § 61.153(g) and § 61.157(e) and the ATP and Aircraft Type Rating PTS, FAA-S-8081-5D, on page 2-19; One of the nonprecision approaches does not necessarily need to be an NDB approach. The applicant only needs to perform two nonprecision approaches using two different approach systems. However, the examiner makes the selection on what approaches are to be performed on the practical test. Not the applicant, but the examiner makes the selection!

The Airline Transport Pilot and Aircraft Type Rating PTS on page 2-19, it states:

NOTE: The applicant must accomplish at least two nonprecision approaches (one of which must include a procedure turn) in simulated or actual weather conditions, using two different approach systems. At least one nonprecision approach must be flown manually without receiving radar vectors. The examiner will select nonprecision approaches that are representative of that which the applicant is likely to use. The choices must utilize two different systems; i.e., NDB and one of the following: VOR, LOC, LDA, GPS, or LORAN.

So, for the practical test the applicant will be tested on two nonprecision approaches which may be an NDB or a VOR or a LOC or an LDA or a GPS or a LORAN. The key answer is "... using two different approach systems." So the nonprecision approaches that the applicant may be tested on may be an NDB and a VOR. Or it may be a VOR and a GPS. Or it may be a LORAN and LDA. And the approaches must be "... using two different approach systems."

However, don't confuse the test requirements with the training requirements. The applicant must be prepared to be tested on all of the non precision approaches. Remember the examiner "... will select nonprecision approaches that are representative of that which the applicant is likely to use."

{Q&A-419}

QUESTION: I have a person who holds a Commercial Pilot Certificate with a CE-500 type rating with the following limitation "This certificate is subject to pilot-in-command limitations for the additional rating" per § 61.63(e)(8) for 25 hours of supervised operating experience. The person does not want to take the time to accomplish the 25 hours of supervised operating experience and now wants to take a full 100% practical test in the actual airplane. Previously, he took a practical test in a flight simulator through an approved course at a Part 142 training center. The instances of this have been rare but it has happened. While the reasons for this are probably not salient to this discussion, I will mention that this has usually occurred because of new aircraft delivery date fluctuations verses flight simulator course available dates.

Specifically, can this person take a practical test in the actual airplane (CE-500) to get the limitation removed or must he accomplish the 25 hours of supervised operating experience?

I would submit that the person that takes the long road of using § 61.63 (e) procedures for accomplishing an additional type rating and then again accomplishes that same type rating under § 61.63(d) to obtain a clean type rating has undergone far more training and testing than someone that has simply used the procedures of § 61.63(d) avenue to the rating.

Another argument for allowing an applicant to have the supervised operating experience limitation removed by taking the practical test in the actual aircraft and re-applying for a clean type rating is that per § 61.63(e)(9) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(7)], it is possible for an applicant to use a flight simulator for most of the practical test and accomplish only the preflight inspection, normal takeoff, normal ILS approach, missed approach, and the normal landing in the actual aircraft. I do not believe safety is being compromised here if we allow an applicant to remove the supervised operating experience limitation by re-applying for a clean type rating by accomplishing the practical test in the actual aircraft.

ANSWER: Ref. § 61.63(e)(12)(ii) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(9)(ii)]; As per § 61.63(e)(12)(ii) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(9)(ii)], the person must accomplish “. . . 25 hours of supervised operating experience as pilot in command under the supervision of a qualified and current pilot in command, in the seat normally occupied by the pilot in command, in an airplane of the same type for which the limitation applies . . .” to get the limitation removed. Per § 61.63(e)(12)(ii) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(g)(9)(ii)], that is the only way the limitation may be removed. The rule does not provide for the person to now merely take a practical test in accordance with the procedures set forth in § 61.63(d)(5) [or as appropriate the parallel rule for the type rating at the ATP level of certification is § 61.157(b)(3)] to remove the limitation.

The rationale for Part 142 and the 25 hours of supervised operating experience (or the 15 hours of supervised operating experience, as appropriate) was that the FAA would approve training and testing to be performed in a flight simulator/flight training device, in lieu of the actual aircraft, for persons with specified amounts of aeronautical experience and qualifications. However, the rule requires there be additional supervised operating experience applied to the rating. Even prior to the adoption of Part 142, the FAA applied these same requirements through grants of exemption. The rule, nor the FAA, never intended to allow the “picking-and-choosing” of how to train and test when using flight simulators/flight training devices.

{Q&A-416}

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 were 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: § 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 a 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: Ref. § 61.157(f) and HBAT 98-19, Air Carrier Pilot Certification Checks, paragraph 3.D.(3)

It depends on whether or not the activity involves pilot certification.

In a Part 121 initial PC check for a PIC, in which pilot 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.

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.
{Q&A-252}

QUESTION: An applicant wants to add a DC-3 type rating to his ATP certificate using a DC-3 airplane for the practical test that is not capable of instrument flight. 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 adding a DC-3 type rating to an ATP certificate?

ANSWER: Ref. § 61.157(b)(3); No, you cannot perform the practical test at the ATP level 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." § 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 . . ."
{Q&A-144}

QUESTION: 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: 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

{Q&A-144}

QUESTION: 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: Ref. § 61.58(d)(1); The rule does not prevent it.

{Q&A-144}

QUESTION: 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: 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.

{Q&A-144}

QUESTION: 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: Ref. § 61.63(h); Yes, because the applicant is not attempting to take his initial ATP certificate 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)

{Q&A-144}

QUESTION: There is suddenly a huge dispute about the required maneuvers for an ATP/Type Rating candidate employed by a Part 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: Ref. § 61.157(f); Withstanding the deletion 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 of Part 121. For crewmembers qualified to fly the circling maneuver below 1,000 feet 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? Is 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: Ref. § 61.157(g)(2); 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 their 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: Ref. § 61.157(j); 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 category 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 anywhere else?

ANSWER: Ref. § 61.157(j); If FAA Order 8400.10 forbids no flap landings, then in accordance with § 61.157(j) that 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."

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 reads in § 61.157(j).

{Q&A-70}

§ 61.159 ATP-airplane required aeronautical experience

QUESTION: The question is concerns 14 CFR § 61.159, Aeronautical Experience: Airplane Category Rating, subparagraph (a)(1) which states in pertinent part that, "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: (1) 500 hours of cross-country flight time." Under this section, the type of aircraft that the cross-country time must be accumulated in is not specified

The subject of this question was an applicant for an initial ATP certificate (he currently possesses only a Commercial Pilot Certificate with the Airplane and Rotorcraft category ratings at that level), with an Airplane category, Multiengine Land class rating, CE-500 type rating. He presented an application for the practical test with the following cross-country aeronautical experience shown:

1) Airplane = 275 flight hours

2) Rotorcraft = 700 flight hours

Total cross-country time: 975 hours all categories.

The question asked: "Was this applicant eligible to take the practical test in the CE-500 for an ATP certificate, Airplane category rating, Multiengine Land class rating with the above logged cross-country aeronautical experience?"

ANSWER: Ref. § 61.159(a)(1) and § 61.1(b)(3)(iv)(A). The applicant's cross country aeronautical experience meets the eligibility requirements for applying for the ATP Certificate in the Airplane category. The aeronautical experience of "500 hours of cross-country flight time" to be eligible to apply for the ATP Certificate in the Airplane category only needs to be performed in an aircraft [meaning either an Airplane, Rotorcraft, Lighter-than-air, Glider, or Powered-lift or any combination of these aircraft]. The rule does not require that the cross-country flight time be in an airplane. The rule merely states "500 hours of cross-country flight time" and does not specify the kind of aircraft.

Furthermore, § 61.1(b)(3)(iv) states:

(3) Cross-country time means--
* * *

- (iv) For the purpose of meeting the aeronautical experience requirements for an airline transport pilot certificate (except with a rotorcraft category rating), time acquired during a flight--
 - (A) Conducted **in an appropriate aircraft**;

The phrase "in an appropriate aircraft" is intended to require that the cross country aeronautical experience be performed in an aircraft vs. performed in a flight simulator or ground training device.

Following with this logic, § 61.163(a)(1) also requires "500 hours of cross-country flight time." It is unreasonable, however, to envision that initial applicants for the ATP certificate for the Powered-lift rating would be able to acquire 500 hours of cross-country flight time in a powered-lift. Clearly, this rule would be less confusing if it stated cross country time be "conducted in an aircraft" instead of "conducted in an appropriate aircraft." I have noted this as a needed change for future revisions to part 61.
{Q&A-578}

QUESTION: In § 61.159(d)(2), it states "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." What does that mean? Does it permit an applicant for a FAA ATP certificate in the airplane category with less than 1500 hours of total flight time? I thought per § 61.159(a) an applicant for an ATP certificate in the airplane category is required to have logged "... at least 1,500 hours of total time as a pilot ...". How could somebody even apply for an ATP certificate in the airplane category who does not have at least 1,500 hours of flight time as a pilot?

ANSWER: Ref. § 61.159(d)(2); No, it is not possible for a person to apply for an ATP certificate in the airplane category with less than "... 1,500 hours of total time as a pilot ...". Per § 61.159(d)(3), it requires compliance with § 61.159(a) [meaning to apply for an ATP certificate in the airplane category, a person must have logged at least "... 1,500 hours of total time as a pilot ..."]. The problem with § 61.159(d)(2) is that it applies to an old ICAO ATP aeroplane aeronautical experience rule that has since been changed. Therefore, § 61.159(d)(2) must be rewritten to correctly reflect existing ICAO ATP – aeroplane aeronautical experience requirements that are now contained in the Personnel Licensing, Annex 1, to the Convention on International Civil Aviation [i.e., paragraphs 2.5.1.3 and 2.1.9.2 of the Personnel Licensing, Annex 1, to the Convention on International Civil Aviation]. The existing ICAO ATP-aeroplane aeronautical experience requirements do not provide for any credit of flight engineer time, and no more than 50% of the applicant's SIC time toward the 1,500 hours of flight time as a pilot can be credited.

As for what does § 61.159(d)(2) mean where it states "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." The provision is no longer valid. It applies to an old ICAO ATP aeroplane aeronautical experience rule that changed in 1974. If § 61.159(d) were written correctly, it should read as follows:

- (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 an applicant does not meet the ICAO requirements contained in Annex 1 "Personnel Licensing" to the Convention on International Civil Aviation, but otherwise meets the aeronautical experience requirements of this section.

And if § 61.159(e) were written correctly, it should read as follows:

(e) An applicant is entitled to an airline transport pilot certificate without the ICAO endorsement specified in paragraph (d) of this section when that applicant presents satisfactory evidence of having met the ICAO requirements referred to in paragraph (d) of this section, and otherwise meets the aeronautical experience requirements of this section.

Therefore, § 61.159(d) and (e) must be changed so that the FAA's ATP-airplane category aeronautical experience rule (i.e., § 61.159) reflect the existing ICAO's ATP-aeroplane category requirements (i.e., paragraphs 2.5.1.3 and 2.1.9.2 of the Personnel Licensing, Annex 1, to the Convention on International Civil Aviation).

The pertinent aeronautical experience eligibility requirements for the ICAO ATP license in the aeroplane category are as follows:

2.1.9 Crediting of flight time

2.1.9.1 The holder of a pilot license, when acting as co-pilot of an aircraft required to be operated with a co-pilot, shall be entitled to be credited with not more than 50 per cent of the co-pilot flight time towards the total flight time required for a higher grade of pilot license.

2.5 Airline transport pilot license – Aeroplane

2.5.1.3 Experience

2.5.1.3.1 The applicant shall have completed not less than 1500 hours of flight time as a pilot of aeroplanes. The Licensing Authority shall determine whether experience as a pilot under instruction in a synthetic flight trainer, which it has approved, is acceptable as part of the total flight time of 1500 hours. Credit for such experience shall be limited to a maximum of 100 hours, of which not more than 25 hours shall have been acquired in a flight procedure trainer or a basic instrument flight trainer.

2.5.1.3.1.1 The applicant shall have completed in aeroplanes not less than:

- a) 250 hours, either as pilot in command, or made up by not less than 100 hours as pilot in command and the necessary additional flight time as copilot performing, under the supervision of the pilot in command, the duties and functions of a pilot in command, provided that the method of supervision employed is acceptable to the Licensing Authority;
- b) 200 hours of cross-country flight time, of which not less than 100 hours shall be as pilot in command or as copilot performing, under the supervision of the pilot in command, the duties and functions of a pilot in command, provided that the method of supervision employed is acceptable to the Licensing Authority;
- c) 75 hours of instrument time, of which not more than 30 hours may be instrument ground time; and
- d) 100 hours of night flight as pilot in command or as copilot.

2.5.1.3.2 When the applicant has flight time as a pilot of aircraft in other categories, the Licensing Authority shall determine whether such experience is acceptable and, if so, the extent to which the flight time requirements of 2.5.1.3.1 can be reduced accordingly.

At one time prior to 1974, the old rule § 61.155(e)(1) [now the existing § 61.159(d)(2)] that addresses the exception requirements for the ATP-airplane aeronautical experience requirements were applicable to the old ICAO ATP-aeroplane aeronautical experience requirements. Prior to that time, ICAO only required 1200 hours of total flight time to qualify for an ATP certificate in the aeroplane category. In fact, ICAO's 1200 hour requirement paralleled with the FAA's 1200 hours requirement that was the rule prior to 1969. In October 1969, the FAA

increased its ATP-airplane aeronautical experience requirements from 1200 hours to 1500 hours of flight time as a pilot, and also began allowing 100 per cent crediting of an applicant's SIC time instead of only allowing 50 per cent of SIC time. The FAA also began allowing the crediting of flight engineer time to meet the ATP-airplane aeronautical experience requirements. However, ICAO's ATP-aeroplane 1200 hour requirement was not changed to 1500 hours until 1974. When the FAA changed its ATP-airplane aeronautical experience requirements rule in 1969, it correctly referenced in the old § 61.155(e)(1) that no more than 50 per cent of an applicant's SIC time could be counted to meet the 1200 hours of flight time as a pilot and no flight engineer time could be included in the 1200 hours of flight time as a pilot. As for the 300 hour difference (i.e., the FAA's “. . . 1500 hours of total time as a pilot . . .” minus the ICAO's “. . . 1200 hours of flight time as a pilot . . .” for the ATP-airplane/aeroplane aeronautical experience requirements), all SIC time and flight engineer could be counted in that 300 hour difference toward meeting the FAA's ATP-airplane aeronautical experience requirements.

In 1974, ICAO changed its ATP aeronautical experience requirements for the aeroplane category to require “. . . 1500 hours of flight time as a pilot . . .” and retained the additional qualifying aeronautical experience requirements of only permitting 50 percent of an applicant's second-in-command time to be credited and none of an applicant's flight-engineer time could be credited [i.e., paragraphs 2.1.9 and 2.5.1.3 of Annex 1, Personnel Licensing]. When ICAO changed to a 1500 hour aeronautical experience requirement in 1974, the FAA should have corrected the reference that is now found in existing § 61.159(d)(2). To date, the FAA's rule still has not been corrected to fix this mistake.

So, the intent of the old § 61.155(e)(1) [now contained in existing § 61.159(d)(2)] was to establish the minimum ICAO requirements that if not met would result in an endorsed certificate. In those cases, a person's ATP certificate will be issued with the ICAO 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.

The FAA has initiated a direct final rulemaking project to correct this mistake in § 61.159(d) and (e).

Answered by: John Lynch, AFS-840 and Jeff Klang, AGC-7
{Q&A-440}

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 Certificate [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 a 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 § 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: 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: 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: 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: 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 § 61.159(a)(4)"
John T. Realpic, ATP #123456789

QUESTION: 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: 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: 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: 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: 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: 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: 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: 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 the answer 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 § 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 flight 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: 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: 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: Ref. § 61.159. Please review the Aeronautical Checklist for the required aeronautical experience. [See “Aeronautical Experience Check List” at <http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>].
{ 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 flight 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 flight 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 flight time exceeds the PIC flight 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: 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: 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: 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: 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 § 61.159(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}

QUESTION: 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: 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 cannot 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: How would this pilot time be entered on an FAA Form 8710-1?

ANSWER: 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: How much of this pilot time may be applied towards the ATP certificate?

ANSWER: 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 standardization 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 § 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 § 61.159(a)(5)?

ANSWER: Ref. §§ 61.159(a) and 61.1(b)(12)(ii); No, 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) that 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:

§ 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, § 61.159, doesn't mention anything about PIC flight time concession with an ICAO endorsement like the "old" § 61.155(c) Aeronautical Experience which allowed an ATP applicant with less than 150 hours of PIC flight time to take the practical test but carry an endorsement that he doesn't meet ICAO PIC experience requirement.

The "old" § 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 § 61.159(d) continues the total pilot experience concessions that was stated in "old" § 61.155(e), but referees to Pilot-In-Command rather than just pilot time as stated in the "old" Reg.

ANSWER: Reference § 61.159(d), The provisions of § 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 not a rule anymore.

{Q&A-109}

QUESTION: 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: Ref. § 61.153(d)(1); Yes, per § 61.153(d)(1), but the applicant must meet all the appropriate aeronautical experience requirements of § 61.159 for the appropriate aircraft category and class.
{Q&A-60}

QUESTION: 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 nighttime 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: Ref. § 61.159(c)(2)(iv); 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),
{Q&A-75}

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: Ref. § 61.165(c)(4) and § 61.159(a)(4); 250 flight hours in an airplane that includes 100 hours of cross country flight time and 25 hours of night flight time.
{Q&A-34a}

§ 61.161 ATP-helicopter required aeronautical experience

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: Ref. § 61.161(b) and (b)(2); Yes; The key provisions are shown in bold in excerpts of § 61.161(b) and (b)(2). 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 ATP-additional category & class

QUESTION: On page 8 of the Airline Transport Pilot And Aircraft Type Rating Practical Test Standards for Airplane, FAA-S-8081-5D, it states, in pertinent part, “*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, or multiengine sea, the latest edition of FAA-S-8081-12, Commercial Pilot Practical Test Standards—Airplane, shall be used in conjunction with this practical test standard.*”

What is the procedure and required tasks to be performed on the ATP practical test if the applicant holds a Commercial Pilot Certificate with a seaplane class rating. For example, I hold both an Airplane Single Engine Sea and Airplane Multiengine Sea at the commercial pilot certification level. I also hold both Airplane Single Engine Land and Airplane Multiengine Land at the ATP certification level.

What tasks must I be tested on if I am applying for a Airplane Multiengine Sea rating at the Airline Transport Pilot Certification level?

ANSWER: Ref. § 61.165(e)(4); FAA-S-8081-5D-Airline Transport Pilot And Aircraft Type Rating Practical Test Standards for Airplane, on page 8; As per § 61.165(e)(4), the rule requires that an applicant “. . . Pass a practical test on the areas of operation of §61.157(e) appropriate to the aircraft rating sought.” *Meaning*, an applicant for the addition of an Airplane Multiengine Sea rating at the ATP certification level must pass the Airplane Multiengine Sea rating practical test at the ATP certification level. The Airline Transport Pilot And Aircraft Type Rating Practical Test Standards, FAA-S-8081-5D, does not provide any exception or abbreviated practical test.

Therefore, if an applicant holds an Airplane Multiengine Sea class rating at the Commercial Pilot certification level and is seeking an Airplane Multiengine Sea class rating at the ATP certification level, the applicant would be tested on those area of operations and tasks in the Airline Transport Pilot And Aircraft Type Rating Practical Test Standards for Airplane, FAA-S-8081-5D.

And this answer would also apply if an applicant held an Airplane Single Engine Sea class rating at the Commercial Pilot certification level and was seeking an Airplane Single Engine Sea class rating at the ATP certification level.

This question is similar to a previously answered Q&A-194.
{ Q&A-624 }

QUESTION: Applicant holds an ATP Certificate-AMEL with Commercial Pilot Certificate privileges in the ASEL, ASES, and AMES ratings. Applicant is wanting to apply for an Airplane Multiengine Sea rating at the ATP Certification level. The applicant passes the Commercial Pilot Certificate Practical Test for the Airplane Multiengine Sea rating. (Note: ATP Practical Test Guide for the Airplane Multiengine Sea rating is the Commercial Pilot PTS).

Is the Airplane Multiengine Sea rating added to the applicant's ATP or at the Commercial Pilot Certificate level administratively? Can we upgrade the applicant's Commercial Pilot Certificate Airplane Multiengine Sea rating to the ATP Certification level administratively? I believe the applicant would not be required to pass a practical test for the AMES rating, because the applicant already holds an ATP Certificate-AMEL with Commercial Pilot Certificate privileges in AMES rating?

ANSWER: Ref. § 61.165(e)(4); FAA Order 8700.1, Vol. 2, Chapter 7, page 7-2, paragraph 9; and Airline Transport Pilot PTS, page 8, *Seaplane Class Rating*; In order to upgrade the person's Airplane Multiengine Sea rating to the ATP certification level, the person must “. . . Pass a practical test on the areas of operation of § 61.157(e), appropriate to the aircraft rating sought.” [See § 61.165(e)(4)]. *Meaning*, the person must pass a practical test in multiengine sea airplane at the ATP Certification level in order to upgrade their AMES rating.

Per FAA Order 8700.1, Vol. 2, Chapter 7, page 7-2, paragraph 9, “. . . Recreational, private, and commercial category and class ratings may not be upgraded to the ATP level without a practical test.”

A person's who accomplishes AMEL rating at the ATP certification level may not upgrade their AMES rating administratively as you have suggested. The person must pass a practical test in a multiengine sea airplane at the ATP certification level to receive the Airplane Multiengine Sea rating at the ATP certification level.
{ Q&A-618 }

QUESTION: An applicant holds an Airline Transport Certificate with Rotorcraft – Helicopter (VFR Only) and Commercial Pilot Privileges – Rotorcraft Helicopter and Instrument Helicopter. The applicant is desiring to have the VFR limitation removed from his ATP Certificate on the Rotorcraft Helicopter rating. The applicant satisfactorily accomplished the ATP – Helicopter knowledge test when he applied initially for his Airline Transport Certificate with Rotorcraft – Helicopter (VFR Only). What areas of operation and tasks must the applicant

accomplish in order to remove the VFR limitation? Does the applicant have to accomplish another ATP – Helicopter knowledge test prior to applying to remove the VFR limitation?

ANSWER: Ref. § 61.165(a)(5) and the Airline Transport Pilot and Aircraft Type Rating PTS for Helicopter, FAA-S-8081-20; The applicant need only accomplish the following areas of operation and tasks from the Airline Transport Pilot and Aircraft Type Rating PTS for Helicopter, FAA-S-8081-20:

II. PREFLIGHT PROCEDURES

D. PRETAKEOFF CHECKS [*Instrument related pretakeoff checks*]

III. TAKEOFF and DEPARTURE PHASE

B. INSTRUMENT TAKEOFF

E. INSTRUMENT DEPARTURE

V. INSTRUMENT PROCEDURES

A. INSTRUMENT ARRIVAL

B. HOLDING

C. PRECISION INSTRUMENT APPROACHES

D. NONPRECISION INSTRUMENT APPROACHES

E. MISSED APPROACH

On page 7 of the Airline Transport Pilot and Aircraft Type Rating PTS for Helicopter, FAA-S-8081-20 it states what areas of operations and tasks must be accomplished for the Rotorcraft Helicopter rating for the VFR only limitation. So, basically, all the applicant would need to accomplish on the practical test for removal of the VFR Only limitation would be to satisfactorily accomplish the instrument related areas of operations and tasks.

Additionally, the applicant will not need to take another ATP – Helicopter knowledge test. He already passed the ATP – Helicopter knowledge test when he initially applied for the Airline Transport Certificate with Rotorcraft – Helicopter (VFR Only).
{Q&A-476}

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 § 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: Ref. § 61.165(e)(4); Yes, per § 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: Ref. § 61.165(c)(4) and § 61.159(a)(4); 250 flight hours in an airplane that includes 100 hours of cross country flight time and 25 hours of night flight time.

{Q&A-34a}

§ 61.167 Privileges (*at the ATP Certification Level*)

QUESTION: The following questions were posed to me from 2 pilot employees from a Part 135 operator. The person who will be the instructor works for this Part 135 operator. This instructor holds an Airline Transport Pilot Certificate with a Rotorcraft-Helicopter rating. This instructor does not hold a Flight Instructor Certificate. This instructor who is an employee with this Part 135 operator wishes to give training to another pilot employee of this Part 135 operator. This other pilot employee from this Part 135 operator holds a Commercial Pilot Certificate with a Rotorcraft-Helicopter rating.

First question, may the instructor for this Part 135 operator train the other pilot employee and endorse his logbook/training record to prepare him to upgrade from a Commercial Pilot Certificate with a Rotorcraft-Helicopter rating to an Airline Transport Pilot Certificate -- Rotorcraft-Helicopter rating? This Part 135 operator does not have an approved training program for upgrading its pilots to an Airline Transport Pilot Certificate -- Rotorcraft-Helicopter rating.

Second question, may the instructor for this Part 135 operator train the other pilot employee and endorse his logbook/training record to prepare him for a Instrument – Helicopter rating to his existing Commercial Pilot Certificate -- Rotorcraft-Helicopter? This Part 135 operator does not have an approved Instrument-Helicopter training program.

ANSWER: Ref. § 61.167(b)(1) and (3) and § 135.324(a); No, the instructor may not train this other pilot employee for an Airline Transport Pilot Certificate -- Rotorcraft-Helicopter rating. No, the instructor may not train this other pilot employee for a Instrument-Helicopter rating.

Per § 135.324(a), in order for a holder of an Airline Transport Pilot Certificate to train other pilot employees of the same Part 135 operator, the Part 135 operator must have an approved Airline Transport Pilot Certificate -- Rotorcraft-Helicopter rating upgrade training program. Or in the case of the Instrument -- Helicopter rating, this Part 135 operator must have an approved Instrument -- Helicopter rating training program. In both of your questions, you stated this Part 135 operator did not have approved training programs for an Airline Transport Pilot Certificate -- Rotorcraft-Helicopter rating or for the Instrument -- Helicopter rating.

In concert with § 135.324(a), the intent of § 61.167(b)(1) where it states "Other pilots in air transportation service" means the training programs must be an approved air carrier training program and both the instructor and the pilot must be employees of the same air carrier company. As per § 61.167(b)(3), an airline transport pilot may instruct "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." Which means, if the training is conducted outside of an approved air carrier training program, the instructor must hold a flight instructor certificate with the appropriate aircraft ratings.

{Q&A 592}

§ 61.183 Flight instructor eligibility requirements

QUESTION: We have recently received an application for a flight instructor certificate and the applicant has provided documentation that he is a teacher at the high school level in Canada. Does being a teacher at the high school level in a foreign country (*i.e.*, Canada) suffice for passing the FOI knowledge test as provided for in § 61.183(e)(2)?

ANSWER: Ref. § 61.183(e)(2); No, a foreign teacher's certificate issued by a foreign country does not suffice for a current teacher's certificate issued by "... a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher ...". The teacher's certificate must be issued by a State, county, city, or municipality here in the United States. The capitalization of the term "State" was intended to imply the teaching certificate has to have been issued by a State, county, city, or municipality Governmental agency of the United States.

{Q&A-634}

QUESTION: Would a current teacher's certificate issued by the U.S. Department of Defense or U.S. Department of Education that authorizes the person to teach at an educational level of the 7th grade or higher suffice for passing the FOI knowledge test as provided for in § 61.183(e)(2)? As an example, a teacher who teaches children of our U.S. military overseas at a U.S. Department of Defense operated junior high school or high school. These teachers may not hold a teaching certificate that was issued by "... a State, county, city, or municipality ..." because their teaching certificates may have been issued by the U.S. Department of Defense or U.S. Department of Education.

ANSWER: Ref. § 61.183(e)(2); Yes, a current teacher's certificate issued by a Federal Government agency of the United States (*e.g.*, U.S. Department of Defense, U.S. Department of Education, etc.) that authorizes the person to teach at an educational level of the 7th grade or higher will suffice for passing the FOI knowledge test.

{Q&A-634}

QUESTION: We have a person who instructs law enforcement at the Texas State Police Academy. He is certified by the State of Texas to teach there.

He doesn't teach at a city or district school at the junior high or higher level and technically the Police Academy isn't a college, but would it be equivalent to it? I know the Air Force Academy and West Point and such as those are considered to be, but I think they give degrees and I don't know if a Police Academy does.

ANSWER: Ref. § 61.183(e)(2); Yes, a person who holds teaching credentials at a State certified police academy would certainly be equivalent to teaching "... at an educational level of the 7th grade or higher ..." [emphasis added "... at an educational level ... or higher."]

{Q&A-582}

QUESTION: This question applies to an applicant who wants to use a complex multiengine airplane for the initial flight instructor practical test for the ASE rating? Emphasis added: initial flight instructor practical test.

Can a complex multiengine airplane be used in lieu of a complex single engine airplane for that portion of the initial CFI practical test where one would be required to use a complex airplane to demonstrate the tasks normally done in a complex single engine airplane.

We have a applicant who wishes to use a Piper Seneca for the initial CFI practical test for the ASE rating in lieu of a Cessna 172RG, because the Cessna 172RG is down for extended maintenance and she is wanting to complete this practical test in the next week or two.

ANSWER: Ref. § 61.183(h)(1); § 61.45(a)(1)(i); and the Flight Instructor PTS, page 8; The answer is no, a complex multiengine airplane may not be used in lieu of the complex single engine airplane because the applicant does not hold a flight instructor certificate with the Airplane Multiengine rating. Your question pertains to the initial flight instructor practical test for the Airplane Single Engine rating. For the initial CFI practical test for the Airplane Single Engine rating, the applicant must use a complex single-engine airplane.

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 . . .” The applicant must furnish an airplane that is “. . . representative of the category and class of aircraft for the aircraft rating sought . . .” Therefore, a complex single-engine airplane is required for the initial CFI practical test for the Airplane Single Engine 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 . . .” The applicant must furnish an airplane that “. . . Is of the category, class . . . for which the applicant is applying . . .” Therefore, a complex single-engine airplane is required for the initial CFI practical test for the Airplane Single Engine rating.

Additionally, in the Flight Instructor PTS on page 8, it states, “. . . 1. be of U.S., foreign, or military registry that is of the category, class, and type, if applicable, for the certificate and/or rating for which the applicant is applying.” Again, a complex single-engine airplane is required for the initial CFI practical test for the Airplane Single Engine rating.

I know some may try to rationalize my answer in Q&A 296 with this question, but Q&A 296 is different. Q&A-296 applies to a question about an additional flight instructor practical test for the Airplane Single Engine rating. In that answer I said the rule provided for an applicant who already held a flight instructor certificate with the Airplane Multiengine rating, because the applicant already demonstrated his/her ability to flight instruct in a complex airplane. In my answer in Q&A 296, the applicant was not required to furnish a complex single engine airplane for the practical test because the applicant had already demonstrated his ability to flight instruct in a complex multiengine airplane. Because in that question, the applicant held a CFI-AME rating and had already been tested on flight instructing in a complex multiengine airplane during the previous practical test for the CFI-AME rating.

{Q&A-571}

Scenario: A pilot holds a § 61.75 U.S. commercial pilot certificate that was issued prior to 1997 that was based on his foreign license. The only rating on that § 61.75 U.S. commercial certificate is Airplane Single Engine Land (no instrument rating). The pilot also holds a U.S. ATP certificate with Airplane Multiengine Land rating. There is no Airplane Single Engine Land rating on the ATP certificate.

QUESTION: Is this pilot eligible to apply for a U.S. Flight Instructor Certificate with an Airplane Single Engine Rating based on the requirements of § 61.183(c)?

ANSWER: Ref. § 61.183(c)(1); The answer is no, the person is not eligible for the Flight Instructor Certificate with an Airplane Single Engine Rating because the person does not hold the Airplane Single Engine Land rating on his ATP certificate. As previously answered in Q&A 78, the § 61.75 restricted Commercial Pilot Certificate cannot be used to meet the eligibility for a CFI certificate under the new Part 61.

When that § 61.75 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 § 61.75 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 § 61.75 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: If his two U.S. pilot certificates [*i.e.*, § 61.75 U.S. commercial pilot certificate and a U.S. ATP certificate] cannot be combined to meet the requirements of § 61.183(c)(1), I assume his only option is to first add the ASE rating to his ATP certificate. He is also currently eligible to apply for a Flight Instructor certificate with Airplane Multiengine rating or Instrument Airplane rating based on his ATP certificate.

ANSWER: Ref. § 61.183(c)(1); The person would be required add the Airplane Single Engine Land rating to his ATP pilot certificate either at the commercial pilot certification level or at the ATP certification level.

QUESTION: Could the pilot add an Instrument Airplane rating to his restricted § 61.75 U.S. commercial pilot certificate by taking the Foreign Instrument written test (provided his foreign license has instrument privileges), which would give him all the ratings [required by § 61.183(c)] on his commercial pilot certificate to apply for Flight Instructor with ASE rating? If this is a viable option, would the pilot have to go through the newly established authentication process described in Notice N8700.15 in order to add a rating to a restricted U.S. certificate? Or does the authentication process only apply for the initial application for a U.S. certificate based on a foreign license?

ANSWER: Ref. § 61.183(c)(1); The answer is no, the person may not apply for the Flight Instructor Certificate with an Airplane Single Engine rating on the basis of his restricted § 61.75 U.S. commercial pilot certificate. As previously answered in Q&A 78, the § 61.75 restricted Commercial Pilot Certificate cannot be used to meet the eligibility for a CFI certificate under the new Part 61.

When that § 61.75 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 § 61.75 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 § 61.75 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.

Furthermore, a person who applies for any rating to a § 61.75 restricted U.S. pilot certificate [which means the person used their foreign pilot license as the basis for the original § 61.75 restricted U.S. pilot certificate] is required to undergo the verification process.

{Q&A-546}

QUESTION: A foreign pilot holds a § 61.75 U.S. commercial pilot certificate that was issued prior to 1997 and was based on a foreign pilot license. The only aircraft rating on that § 61.75 U.S. certificate is Airplane Single Engine Land (there is no instrument rating on the pilot certificate). The pilot also now holds a U.S. ATP certificate with Airplane Multiengine Land rating. There is no Airplane Single Engine Land rating on that ATP certificate.

If his two U.S. pilot certificates cannot be combined to meet the requirements of § 61.183(c), I assume his only option is to first add the Airplane Single Engine Land rating to his ATP certificate. I believe he is eligible to apply for a Flight Instructor certificate with Airplane Multiengine rating or Instrument Airplane rating based on his ATP certificate alone.

Is this pilot eligible to apply for a U.S. Flight Instructor Certificate with Airplane Single Engine Rating based on the requirements of 61.183(c) on the basis of his § 61.75 U.S. restricted Commercial Pilot Certificate?

ANSWER: Ref. § 61.183(c)(1) and old § 61.75(i); The answer is no, a § 61.75 U.S. restricted Commercial Pilot Certificate may not be used to meet the flight instructor eligibility for a CFI certificate under the new Part 61. When that § 61.75 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 § 61.75 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 § 61.75 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: Could this foreign pilot add an Instrument - Airplane rating to his restricted § 61.75 U.S. commercial pilot certificate by taking the Foreign Pilot Instrument knowledge test (provided his foreign pilot license has an instrument rating/privileges), and then would be considered holding the required ratings [required by § 61.183(c)] on his § 61.75 U.S. commercial pilot certificate in order to apply for the Flight Instructor Certificate - Airplane Single Engine rating on the basis of his § 61.75 U.S. restricted Commercial Pilot Certificate?

ANSWER: Ref. § 61.183(c)(1) and old § 61.75(i); See my answer above. The answer is no, the Instrument - Airplane rating on a § 61.75 U.S. restricted Commercial Pilot Certificate may not be used to meet the Flight Instructor Certificate - Airplane Single Engine eligibility. When that § 61.75 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"

QUESTION: Would the foreign pilot have to go through the newly established verification of authenticity process described in FAA Order 8700.1, Vol. 2, Chapter 29 in order to add a rating to a § 61.75 U.S. pilot certificate? Or does the verification of authenticity process described in FAA Order 8700.1, Vol. 2, Chapter 29 only apply for the initial application for a U.S. pilot certificate that was based on a foreign license?

ANSWER: Ref. § 61.75; See FAA Order 8700.1, Vol. 2, Chapter 29; The foreign pilot who is applying for a § 61.75 U.S. pilot certificate or a rating to a § 61.75 U.S. pilot certificate where the basis for the application is that person's foreign pilot license is required to submit to the verification of authenticity process described in FAA Order 8700.1, Vol. 2, Chapter 29. The verification of authenticity process described in FAA Order 8700.1, Vol. 2, Chapter 29 is required each and every time that person applies for a § 61.75 U.S. pilot certificate or a rating to a § 61.75 U.S. pilot certificate where the basis for the application is that person's foreign pilot license.
{Q&A-543}

QUESTION: We have received a flight instructor reinstatement application from a person who accomplished the flight instructor reinstatement practical test in a Level D flight simulator. The flight instructor reinstatement applicant is an air carrier pilot. During this person's annual PIC air carrier proficiency check, which was performed entirely in the air carrier's Boeing 757 Level D flight simulator, he asked the FAA ASI who was conducting his annual PIC air carrier proficiency check to also administer a flight instructor reinstatement practical test. I am providing some background information on the particulars of this question and situation to clarify my question:

1. The air carrier does not have an approved flight instructor reinstatement training program.

2. The air carrier is a Part 142 training center, but in this particular situation, this air carrier pilot had only completed his air carrier's Part 121 PIC recurrent training program. He did not complete a flight instructor reinstatement training program nor does his air carrier have an approved flight instructor reinstatement training program.
3. The flight instructor reinstatement practical test was performed in the air carrier's Boeing 757 Level D flight simulator.
4. The flight instructor reinstatement practical test was administered by an FAA Aviation Safety Inspector.
5. Does § 61.183(h)(2) apply to this question? Was it permissible for the FAA ASI to have administered this air carrier pilot his flight instructor reinstatement practical test in an air carrier's Boeing 757 Level D flight simulator?

Please confirm that currently there is not an air carrier training program approved under part 142 that authorizes flight instructor renewals/reinstatements. We are receiving applications from airman employed by an Air Carrier that is authorized to conduct Type ratings in a level C or D simulator. They are using what appear to be the same simulators to renew/reinstate CFI's.

§ 61.183 (h)(2) would not apply if the Air Carrier were not approved for a CFI course, correct? If Block "C" of the FAA Form 8710-1 application is completed, we would have to assume they attended an approved course at a Part 142 training center in accordance with § 61.183 (h)(2)?

ANSWER: Ref. § 61.183(h)(2); The FAA ASI was in error for administering the flight instructor reinstatement practical test in the air carrier's Boeing 757 Level D flight simulator. For this to be legal, the flight instructor reinstatement practical test must have been conducted in accordance with an approved course at a training center certificated under Part 142. In your question, the flight instructor reinstatement applicant had not completed an approved flight instructor reinstatement training program at a training center certificated under Part 142.

The air carrier may be a certificated Part 142 training center, but it did not have an approved flight instructor reinstatement training program.

To date, there are no Part 142 approved training centers that have received approval from the FAA to conduct reinstatement or renewal of flight instructor certificates.

{Q&A-488}

QUESTION: I received an inquiry about whether it is permissible for an applicant to accomplish practical tests sequentially for the Flight Instructor Certificate for the Airplane Single Engine and Airplane Multiengine ratings. The applicant would accomplish the Airplane Single Engine rating first and then accomplish the Airplane Multiengine rating last. But the practical tests would be performed sequentially on the same date.

ANSWER: Ref. § 61.183(h)(1) and the Flight Instructor PTS, page ix; § 61.45(a)(1)(i); Yes, administering practical tests sequentially for the Flight Instructor Certificate for the Airplane Single Engine and Airplane Multiengine ratings is permissible.

Procedurally, since the Flight Instructor PTS on page ix in paragraph 2 requires "... A complex airplane must be furnished for the performance of takeoff and landing maneuvers, and appropriate emergency procedures. ..." the examiner must arrange the practical tests, so the tasks that are required to be accomplished in a complex airplane during the Flight Instructor Certificate for the Airplane Single Engine rating practical test must be completed first in a complex single-engine airplane before going onto the next practical test for the Flight Instructor Certificate - Airplane Multiengine rating. The applicant must be required to satisfactorily complete the entire practical test for the Flight Instructor Certificate - Airplane Single Engine rating before the next practical test for the Flight Instructor

Certificate - Airplane Multiengine rating begins. The multiengine airplane can not be used to meet the complex requirements for the flight instructor – single-engine testing.
{Q&A-483}

QUESTION: I received a question concerning whether it is permissible to use a Cessna 185 (with a retractable snow ski gear system) for the Flight Instructor - Airplane Single Engine practical test. To some, it appears this setup with a retractable snow skis is merely a snow ski attached to the airplane's fixed landing gear system. The wheel portion of the landing gear does not retract or extend, but remains fixed. The snow ski landing gear is an appendage added to the fixed gear system.

The aircraft is modified by the addition of a Supplemental Type Certificate or Field approval to install hydraulically controlled skis. The assemblies are attached and articulate at the axles with cables extending from the front and rear of the skis to keep the angle of the skis in the right position with the fuselage. The skis are designed to allow the ski to be extended below the tires when landing on snow and are able to be retracted above the tires to land on a hard surface. The actuating assembly is usually hydraulic with a hand pump and necessary control levers to enable the retracting and extending of the skis. The sequence of events and actions of the pilot are identical to those used when operating a retractable gear airplane. The pilot has to select up or down and actuate the hydraulic pump to position the skis. A pilot flying an aircraft with retractable wheel skis has to train for the same type of emergencies also. The skis have the potential to malfunction with skis up or down, one ski retracted and one extended, cable failure that could cause in-flight or landing problems etc.

Would this meet the intent of being a complex airplane and the PTS requirements that requires use of a complex airplane for the Flight Instructor - Airplane Single Engine practical test?

ANSWER: Ref. § 61.183(h)(1) and the Flight Instructor PTS, page ix; § 61.45(a)(1)(i); The definition of a complex airplane is one having a retractable landing gear, flaps, and a controllable pitch propeller [see § 61.31(e)]. So, provided the applicant uses the retractable snow ski gear system by retracting and extending the snow ski gear system and makes landings and takeoffs with both the snow skis and the wheels (meaning the applicant performs the required takeoff and landing maneuvers and appropriate emergency procedures in this complex airplane) then yes it is permissible to use this Cessna 185 (with a retractable snow ski gear system) for the Flight Instructor - Airplane Single Engine practical test.
{Q&A-483}

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: Ref. § 61.35 and § 61.183; There was no change in policy. Although there was a major revision of Part 61 effective August 4, 1997, the requirements for taking the ATP, flight instructor (CFI & CFII), fundamentals of instruction (FOI), military competency (MC), foreign pilot instrument (IFP) or the certificated ground instructor (CGI) knowledge test did not change. Unlike the requirements for some airmen certifications under §§ 61.65(a)(4), 61.96(b)(5)(ii), 61.103(d)(2), and 61.123(c)(2) that clearly require for eligibility an endorsement certifying the applicant is prepared for the appropriate knowledge test, applicants are not required to provide an instructor endorsement of preparation to take the ATP, CFI & CFII, FOI, MC, IFP or the CGI knowledge tests. § 61.183(d) states that to be eligible for a flight instructor certificate or rating a person must have "a logbook endorsement from an authorized instructor on the fundamentals of instructing listed in § 61.185(a)(1) of this part appropriate to the required knowledge test." The regulation does not require that the endorsement state that the applicant is "prepared" for the test; instead it simply requires a certification that instruction has been received. When the applicant applies for an initial flight instructor practical test, an examiner must ensure that the applicant has received the logbook endorsement required under § 61.83(d), but the logbook endorsement does not need to be presented to take the knowledge test. However, we do note that in accordance with § 61.49, if an applicant is reapplying to take the knowledge test after failing, an instructor endorsement is required. Paragraph 5. b. of the Advisory Circular (AC) 61-65D also relates this information.

If you are interested in further written verification or information, the Computer Test Designees (CTDs), one of which is the CATS organization, are directed by FAA Order 8080.6C, "Conduct of Airman Knowledge Tests." This may be viewed at <http://afs600.faa.gov/AFS600.htm> under the section for AFS-630 and heading "Other Test Info". Chapter 7., Paragraph 7-1 of that Order refers to the "FAA Airman Knowledge Testing Authorization Requirements Matrix" which is guidance for computer test designees. This is also found in the AFS-630 site under "Other Test Info." On page #6 of that "Matrix" you will find that the CTDs are told that no authorization is necessary to take the instructor tests listed -- including, as it happens, the FOI 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: Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

ANSWER: Ref. § 61.183(c)(2); No, he is ineligible. § 61.183(c)(2) states that in addition to holding either a commercial pilot certificate or an airline transport pilot certificate the CFI candidate must also hold an instrument rating or instrument privileges *[as provided with an ATP certificate]*.

{Q&A-78}

QUESTION: Is the candidate eligible if he holds 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: Ref. § 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}

QUESTION: Is a flight instructor applicant required to have an instructor endorsement that certifies that the applicant may take the FOI knowledge test?

ANSWER: Ref. § 61.183(d); No, an endorsement is not required for a flight instructor applicant to be eligible to take the FOI knowledge test. The rule [i.e., § 61.183(d)] merely states that the flight instructor applicant receive "... a logbook endorsement from an authorized instructor on the fundamentals of instructing listed in § 61.185 of this part appropriate to the required knowledge test ...". It just means that the applicant must receive the training and endorsement prior to applying for the flight instructor certificate and rating. Notice, § 61.183(d) and § 61.185(a)(1) are written differently than the comparable knowledge testing eligibility rules for the recreational pilot certificate [i.e., § 61.96(b)(3)(ii)], private pilot certificate [i.e., § 61.103(d)(2)], and commercial pilot certificate [i.e., § 61.123(c)(2)]. Notice in § 61.183(d) or in § 61.185, it doesn't state that the flight instructor applicant receives an endorsement from an authorized instructor CERTIFYING that the applicant is prepared for the knowledge test.

{Q&A-442}

QUESTION: Is a flight instructor applicant required to have an instructor endorsement that certifies that the applicant may take the flight instructor knowledge test?

ANSWER: Ref. § 61.183(f) and § 61.185(a)(2) and (3); No, an endorsement is not required to take the flight instructor knowledge test on § 61.185(a)(2) and (3). § 61.183(f) merely requires an applicant to pass a "... a knowledge test on the aeronautical knowledge areas listed in § 61.185(a)(2) and (a)(3) ...". And § 61.185(a)(2) and (3), merely requires that an applicant "... must receive and log ground training from an authorized instructor ...".

However, some may argue this is a “fine-line” between an applicant must “. . . receive and log ground training from an authorized instructor on vs. an applicant must have received “. . . an endorsement . . . from an authorized instructor certifying that the applicant accomplished the appropriate ground-training or a home-study course required by this part for the certificate or rating sought and is prepared for the knowledge test . . .” Well, there is a difference in how § 61.183(f) and § 61.185(a)(2) and (3) is written vs. the comparable knowledge testing eligibility rules for the recreational pilot certificate [i.e., § 61.96(b)(3)(ii)], private pilot certificate [i.e., § 61.103(d)(2)], and commercial pilot certificate [i.e., § 61.123(c)(2)]. Yes, there is a difference.
{Q&A-442}

QUESTION: 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: 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. § 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 requirement 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?

§ 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 § 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 there has been a determination 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: Ref. § 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: Reference 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: Ref. §§ 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) and AC 60-28 "English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65"; 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. AC 60-28 "English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65" is the FAA's primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

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}

§ 61.187 Flight instructor: Flight proficiency

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), and 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)]. § 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 Additional flight instructor ratings

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 that 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 Flight instructor privileges

QUESTION: This pertains to § 61.183 (c)(2); eligibility requirements for CFI's. We have a person that has a current Flight instructor certificate with an "Airplane Single Engine" rating. This person's commercial pilot certificate (issued about 1959) has only an Airplane Single Engine Land Rating and "no" instrument airplane rating on his certificate.

Is this person eligible to hold a flight instructor certificate at all, and if so what are his limits of instruction? As the regulations state in § 61.133(b)(1), limitations that "the carriage of passengers for hire in airplanes on cross-country flights in the excess of 50 nautical miles or at night is prohibited.," this limitation applies for a commercial pilot with an airplane - category and who does not hold an instrument rating in the same category and class.

This person does not hold an instrument rating at all and never has. He also is giving private pilot instruction in basic instruments and instrument maneuvers.

ANSWER: Ref. § 61.183(c)(2) and § 61.193; This person is entitled to continue to hold his Flight Instructor Certificate with an Airplane Single Engine rating. This person may provide the flight training for "... the control and maneuvering of an airplane solely by reference to instruments ..." aeronautical experience of § 61.109(a)(3) to a private pilot applicant.

This person has held a flight instructor certificate ever since 1959, when the rules did not require a holder of a Flight Instructor Certificate to hold an Instrument - Airplane rating on his pilot certificate. The requirement for a holder of a Flight Instructor Certificate with Airplane Single Engine rating to hold an Instrument - Airplane rating on his pilot certificate did not become a requirement until around November 1, 1974 or 1975. Therefore, when the rules were revised in 1974, is when the FAA began to require a holder of a Flight Instructor Certificate with Airplane Single Engine rating to hold an Instrument - Airplane rating on his pilot certificate. Persons who did not hold an Instrument - Airplane rating on their pilot certificate were essentially "grandfathered" in.

In old § 61.201(b) [which the FAA revised in 1992 (57 FR 60728; December 22, 1992) and deleted entirely all of § 61.201 out of Part 61 in 1998], a person who held a flight instructor certificate that did not contain the existing flight instructor aircraft category and class ratings of § 61.5(c) merely needed to accomplish a flight instructor - airplane single engine practical test to retain his/her flight instructor certificate with the airplane single engine rating. What I'm getting at here is, old § 61.201(b) only required the person to accomplish a Flight Instructor - Airplane Single Engine practical test but did not require him to meet the Instrument - Airplane rating prerequisite eligibility requirement of § 61.183(c)(2).

It has been established FAA precedent that the FAA does not take away privileges from a person who earned their airman certificate in accordance with the rules at the time, unless it is specifically addressed in a rule (like how the FAA does it in § 61.7 or § 61.11 for disposing of obsolete pilot certificates).

Therefore, in the case of your specific question, this person who holds a Flight Instructor Certificate with Airplane Single Engine rating but does not hold an Instrument - Airplane rating on his pilot certificate may continue to hold that Flight Instructor Certificate with Airplane Single Engine rating, provided the person complies with the provisions of § 61.197 or § 61.199, as appropriate. But he cannot upgrade by adding any new, additional ratings to his flight instructor certificate where the prerequisite eligibility requirement requires the person to hold an

Instrument - Airplane rating on his pilot certificate. So, if this person were to ever seek to add the Airplane Multiengine rating on his flight instructor certificate, then he would be required to comply with § 61.183(c)(2).

As for the flight instructor privileges authorized to a person who only holds a Flight Instructor Certificate with Airplane Single Engine rating and a Commercial Pilot Certificate with an Airplane Single Engine Land rating, but no Instrument-Airplane rating, that person may only give ground and flight training for an Airplane Single Engine Land rating at the Recreational Pilot, Private Pilot, and Commercial Pilot, and ATP certification level. But the person may not give instrument training required for the commercial pilot and ATP certification.

In answering your statement that the person is giving training on “. . . basic instruments and instrument maneuvers . . .” The only kind of “. . . basic instruments and instrument maneuvers . . .” training this person may give is training for the aeronautical experience of § 61.109(a)(3) which is “. . . the control and maneuvering of an airplane solely by reference to instruments . . .” The basis for my answer is a long standing policy “technicality” here in the Flight Standards Service's Certification Branch, AFS-840. AFS-840 has made a distinction between the term *instrument training* [i.e., § 61.1(b)(10)] and aeronautical experience of § 61.109(a)(3) [meaning “. . . the control and maneuvering of an airplane solely by reference to instruments . . .”]. The policy has always been that the holder of Flight Instructor Certificate with the [Airplane Single Engine rating / Airplane Multiengine rating] but does not hold an Instrument-Airplane rating on his flight instructor certificate is authorized to give the training for the aeronautical experience of § 61.109(a)(3) for “. . . the control and maneuvering of an airplane solely by reference to instruments . . .”

{Q&A-491}

QUESTION: Can an instructor legally give a tail-wheel endorsement in a “ski-configured airplane” with the limitation “valid only for a ski equipped airplane?” I do not believe that the above mentioned limitation is appropriate because there is no provision for it in the regulation. I think we need to clarify the rule and make provisions for an endorsement for operating ski equipped tail-wheel type (conventional gear airplanes).

ANSWER: Ref. § 61.193 and § 61.31(i), The only rule that I know that addresses flight instructors being permitted to qualify their endorsement is for student pilots in 14 CFR § 61.89(a)(8) where it states a student pilot may not act in a manner contrary to any limitation placed in the pilot's logbook by an authorized instructor.

Other than 14 CFR § 61.89(a)(8), there are no rules that would specifically prevent or allow an instructor from qualifying his/her endorsement with limitations for the kind of situation you have presented in your question. But I have heard that some flight instructors do qualify their endorsements to protect themselves from possible lawsuits. Whether a qualifying limitation would stand up in the Courts is anybody's guess! However, there are no rules in Part 61 that require specific pilot training and authorization to operate a “ski-configured airplane.” And an endorsement to operate a “ski-configured airplane” will not permit a pilot to operate a “tailwheel airplane.”

{Q&A-425}

QUESTION: 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 Part 141 schools.

ANSWER: 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: 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: Ref. § 61.193 and Part 141, Appendix B, paragraph 4.(b)(1)(iii); Again to stay consistent with my answer in answer 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: 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: 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: The flight review requirements of § 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: 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: 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 them, also.

ANSWER: 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: 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: Ref. § 61.183(c); 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: 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: Ref. § 61.193 for flight instructor privileges; and § 61.195 for limitations; Yes, to both questions, provided for the flight in IMC you're current to act as pilot-in-command as required by § 61.57. In fact, you can receive compensation. 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: Ref. § 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) an “authorized instructor” must make this endorsement. 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 holds 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: Ref. § 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) an "authorized instructor" must make this endorsement. 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: Ref. § 61.193; No, 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 Flight instructor limitations & qualifications

QUESTION: A person holds a Flight Instructor Certificate - Instrument Airplane only and wants to give instrument flight training on avionics in a multiengine land airplane (*for example* in a Cessna 310). The training that the flight instructor will be giving is not for the purpose of furtherance of a pilot certificate or rating. The training is merely for educational/informative purposes. The instrument flight training will be on: Air Traffic Control Clearances and Procedures - Holding Procedures; Navigation Systems - Intercepting and Tracking Navigational Systems and DMC ARCs; and Emergency Operations - Loss of Communications and Loss of Gyro Attitude and/or Heading Indicators.

What are the flight instructor certificate and ratings, pilot certificate and ratings, and flight experience the person must have to be in compliance with § 61.195(b) and (c)? Does the flight instructor have to have logged 5 hours of PIC flight experience in the Cessna 310?

ANSWER: Ref. § 61.195(b), (c), and (f); The person must hold at least the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate
Airplane Multiengine Land
Instrument-Airplane

or

ATP Certificate
Airplane Multiengine Land

The flight instructor would only have to have logged 5 hours PIC flight time in a Cessna 310 if the training was for the furtherance of a certificate or rating. Since you specifically stated in your question that the training was not for the furtherance of a certificate or rating but was for merely for educational/informative purposes, then the answer is no, the flight instructor would not need to have logged 5 hours PIC flight time in a Cessna 310.

{Q&A-640}

QUESTION: A person holds a Flight Instructor Certificate-Instrument Airplane and wants to give instrument flight training on avionics in a turbojet type rated airplane (*for example* in a Cessna 500). The person receiving the instrument training is type rated and qualified as a PIC in the Cessna 500. The training that the flight instructor will be giving is not for the purpose of furtherance of a pilot certificate or rating. The training is merely for educational/informative purposes. The instrument flight training will be on: Air Traffic Control Clearances and Procedures - Holding Procedures; Navigation Systems - Intercepting and Tracking Navigational Systems and DMC ARCs; and Emergency Operations - Loss of Communications and Loss of Gyro Attitude and/or Heading Indicators.

What are flight instructor certificate and ratings, pilot certificate and ratings, and qualifications the person must have to be in compliance with § 61.195(b) and (c)? What flight instructor and pilot certificates and ratings must be held? Must the instructor hold a CE-500 type rating? Does the flight instructor have to have logged 5 hours of PIC flight experience in the Cessna 500?

ANSWER: Ref. § 61.195(b), (c), (e), and (f); The person must hold at least the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate
Airplane Multiengine Land
Instrument-Airplane
CE-500

or

ATP Certificate
Airplane Multiengine Land
CE-500

The flight instructor would only have to have logged 5 hours PIC flight time in a Cessna 500 if the training was for the furtherance of a certificate or rating. Since you specifically stated in your question that the training was not for the furtherance of a certificate or rating but was for merely for educational/informative purposes, then the answer is no, the flight instructor would not need to have logged 5 hours PIC flight time in a Cessna 500.

The flight instructor must hold a CE-500 type rating on his/her pilot certificate.

{Q&A-640}

QUESTION: A person holds a Flight Instructor Certificate-Instrument Airplane only and wants to conduct an Instrument Proficiency Check in a multiengine land airplane (*for example* in a Cessna 310). The Instrument Proficiency Check will require the flight instructor to test the pilot on Emergency Operations - Loss of Communications, One engine inoperative during straight and level flight and turns (Multiengine), One engine inoperative-instrument approach (Multiengine), and Loss of Gyro Attitude and/or Heading Indicators.

What are flight instructor certificate and ratings, pilot certificate and ratings, and qualifications the person must have to be in compliance with § 61.195(b) and (c)? Does the flight instructor have to have logged 5 hours of PIC flight experience in the Cessna 310?

ANSWER: Ref. § 61.195(b)(1) and (c) and (f); The person must hold at least the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate
Airplane Multiengine Land
Instrument-Airplane

or

ATP Certificate
Airplane Multiengine Land

The person must have logged at least 5 hours PIC flight time in a Cessna 310.
{Q&A-640}

QUESTION: A person holds a Flight Instructor Certificate-Instrument Airplane and wants to give an Instrument Proficiency Check in a turbojet type rated airplane (*for example* in a Cessna 500). The person receiving the Instrument Proficiency Check is type rated and qualified as a PIC in the Cessna 500. The Instrument Proficiency Check will require the flight instructor to test the pilot on Emergency Operations - Loss of Communications, One engine inoperative during straight and level flight and turns (Multiengine), One engine inoperative-instrument approach (Multiengine), and Loss of Gyro Attitude and/or Heading Indicators.

What are flight instructor certificate and ratings, pilot certificate and ratings, and qualifications the person must have to be in compliance with § 61.195(b) and (c)? What flight instructor and pilot certificates and ratings must be held? Must the instructor hold a CE-500 type rating? Does the flight instructor have to have logged 5 hours of PIC flight experience in the Cessna 500?

ANSWER: Ref. § 61.195(b)(1) and (2), (c), (e), and (f); The person must hold at least the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate
Airplane Multiengine Land
Instrument-Airplane
CE-500

or

ATP Certificate
Airplane Multiengine Land
CE-500

The person must have logged at least 5 hours PIC flight time in a Cessna 500. The flight instructor must hold a CE-500 type rating on his/her pilot certificate.
{Q&A-640}

QUESTION: Must the instructor occupy a pilot station in order to give the instrument flight training/Instrument Proficiency Check?

ANSWER: Ref. § 61.195(g); The flight instructor would not necessarily need to occupy a pilot station. The instrument flight training/Instrument Proficiency Check may be given with the flight instructor in a jump seat or in a passenger seat that allows the flight instructor to view the pilot stations. Per, § 61.195(g), the flight instructor only needs to "... provide that flight training in an aircraft ..."

{Q&A-640}

QUESTION: If the flight training/Instrument Proficiency Check is going to be given in a turbojet type rated airplane (*for example* in a Cessna 500) and where the flight instructor is not going to be occupying a pilot station but is providing the instrument flight training/Instrument Proficiency Check from a jump seat or from passenger seat, may the flight instructor still be able to log the training time?

ANSWER: Ref. § 61.51(e)(3); Yes, the flight instructor may log the flight training/Instrument Proficiency Check and also log the time as PIC flight time. This is permissible because § 61.51(e)(3) permits a flight instructor to "... log as pilot-in-command time all flight time while acting as an authorized instructor."

{Q&A-640}

QUESTION: If the flight training/Instrument Proficiency Check is going to be in a turbojet type rated airplane (*for example* in a Cessna 500) and where the flight instructor is not going to be occupying a pilot station but is providing the instrument flight training/Instrument Proficiency Check from a jump seat or from a passenger seat, is the flight instructor still required to hold the CE-500 type rating even when the flight instructor is not going to be occupying a pilot station?

ANSWER: Ref. § 61.195(g); Yes, in order for the flight training/Instrument Proficiency Check to be creditable, the flight instructor would be required to hold the appropriate type rating (*i.e.*, CE-500) even if the flight instructor is not occupying a pilot station.

{Q&A-640}

QUESTION: A aircraft owner who hold a Commercial Pilot Certificate with an Airplane Multiengine Land rating and Private Pilot Privileges-Airplane Single Engine Land. He wants to receive flight training in his personal-owned multiengine airplane. This desired training is not for a certificate or rating, but is related to a Flight Review, annual insurance requirements, or perhaps an Instrument Proficiency Check. He is having trouble finding an available MEI. § 61.195 (f) contains the limitation: "A flight instructor may not give training required for the issuance of a certificate or rating in a multiengine airplane, a helicopter, or a powered-lift unless that flight instructor has at least 5 flight hours of pilot-in-command time in the specific make and model of multiengine airplane, helicopter, or powered-lift, as appropriate." It would appear that the underlined phrase qualifies this regulation. Can a certified flight instructor who holds Airplane Single and Multiengine and Instrument Airplane ratings on his flight instructor certificate, and appropriate ATP / Commercial Pilot Certificate with an Airplane Multiengine Land on his pilot certificate, but who has no time as PIC in the owner's "make and model" of multiengine airplane give this training?

A related question, is how specific is "Make and Model" with respect to the restriction of § 61.195(f), [*e.g.*, Apache PA-23-150 versus PA-23-160; Aztec PA-23-235; PA-23-250; Turbo Aztec C, D, E, F, etc.?

ANSWER: Ref. § 61.195(f); No, a flight instructor who does not have at least 5 hours of PIC flight time in a specific make and model of multiengine airplane may not give training in that specific make and model of airplane. A flight review is considered giving training.

As for your related question, the make is Piper and the model is PA-23. The additional references [*i.e.*, -150 and -160] relate to the different series of the Piper PA-23 Apache. The additional reference [*i.e.*, -160, -235, -250, C, D, E, and F] relate to the different series of the Piper PA-23 Aztec.

{Q&A-604}

QUESTION: I have a question regarding the high altitude endorsement required by § 61.31(g)(1) and (2). This is the scenario:

The flight instructor's qualifications are: Commercial Pilot Certificate – AMEL, Instrument Airplane, Flight Instructor Certificate ASE and Instrument Airplane, and has the § 61.31(f) high altitude endorsement.

The pilot's qualifications are Commercial Pilot Certificate – ASEL and AMEL, Instrument Airplane, Flight Instructor Certificate ASE, AME, and Instrument – Airplane.

The make and model of the multiengine airplane that the high altitude training and endorsement is going to given in is a pressurized AC60 (Rockwell Turbo Commander) capable of flight over 25,000 feet. The flight instructor has more than 5 hours of PIC flight time in the AC60 airplane.

Note, the flight instructor does not hold the AME rating on his flight instructor certificate.

Note, the flight instructor only holds the Instrument Airplane rating on his flight instructor certificate.

My question is can the flight instructor give this pilot a high altitude endorsement and training in this pressurized AC60 (Rockwell Turbo Commander)?

As I read the FAQ for Part 61, I find several parallels where instruction given by a CFI (ASEL) who is rated as a multiengine commercial pilot in multiengine airplanes. One such example is outlined in Part 61FAQ's Q&A#457.

"However, there is no regulatory requirement in Part 61, other than § 61.193(f) and § 61.195(f) that apply. There is nothing that legally prohibits a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating only and has at least 5 hours of pilot-in-command flight time in the specific make and model of multiengine airplane per § 61.195(f) from giving the flight training required for the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" because the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" is a task associated with the Instrument-Airplane rating."

As I read in the Part 61 FAQ's Q&A-457, the flight instructor in my scenario may give high altitude training and endorsement in an AC-60 multiengine airplane because none of the requirements in § 61.31(g)(1) and (2) are specific to a multiengine airplane. I believe as long as the flight instructor has at least 5 hour of PIC flight time in the AC60 being used to give the high altitude endorsement training then nothing would appear to legally prohibit him from issuing the endorsement. Additionally, the high altitude endorsement in a pilots logbook is not specific to single or multiengine airplane. For the sake of this example, we could consider the flight instructor to be the flight instructor who will be giving the high altitude endorsement training. I see no difference between a flight instructor who is endorsed for the high altitude endorsement and the person who only holds a Flight Instructor Certificate - Instrument Airplane with respect to training in a multiengine airplane as long as the training does not include multiengine airplane tasks and areas of operations. Do you agree?

ANSWER: Ref. § 61.195(b)(1) and § 61.31(g)(2); No, a person who only holds the Instrument-Airplane rating on his/her flight instructor certificate may not give the high altitude training and endorsement required by § 61.31(g) in a multiengine land airplane [e.g., AC60 (Rockwell Turbo Commander)]. The flight instructor would have to hold the AME rating on his/her flight instructor certificate. Per § 61.195(b)(1), "... 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"

Furthermore, in response to your statement that "... the high altitude endorsement [and training] in a pilots logbook is not specific to single or multiengine airplane," I would agree in principle to that statement. However, the flight training that is required for the high altitude training and endorsement, as stated in § 61.31(g)(2), is not the kind of flight training that a flight instructor receives for the Instrument Airplane rating at the flight instructor certification level. Specifically, the kind of flight training required by § 61.31(g)(2) for the high altitude training and endorsement is:

- (i) Normal cruise flight operations while operating above 25,000 feet MSL;
- (ii) Proper emergency procedures for simulated rapid decompression without actually depressurizing the aircraft;
- and
- (iii) Emergency descent procedures.

None of the flight training required in subparagraphs (i), (ii), and (iii) of § 61.31(g)(2) for the high altitude endorsement are in the areas of operations and tasks that a flight instructor receives for the Instrument Airplane rating. As I previously stated in Q&A-457, a person who only holds the Instrument-Airplane rating on his/her flight instructor certificate may only give training on the following areas of operation and tasks that are associated with an Instrument-Airplane rating:

- I. Preflight preparation
 - A. Weather information
 - B. Cross-country flight planning

- II. Preflight procedures
 - A. Aircraft systems related to IFR operations
 - B. Aircraft flight instruments and navigation equipment
 - C. Instrument cockpit check
- III. Air traffic control clearances and procedures
 - A. Air traffic control clearances
 - B. Compliance with departure, en route, and arrival procedures and clearances
 - C. Holding procedures
- IV. Flight by reference to instruments
 - A. Straight-and-level flight
 - B. Change of airspeed
 - C. Constant airspeed climbs and descents
 - D. Rate climbs and descents
 - E. Timed turns to magnetic compass headings
 - F. Steep turns
 - G. Recovery from unusual flight attitudes
- V. Navigation systems
 - Intercepting and tracking navigational systems and DME arcs
- VI. Instrument approach procedures
 - A. Nonprecision instrument approach
 - B. Precision ILS instrument approach
 - C. Missed approach
 - D. Circling approach
 - E. Landing from a straight-in or circling approach
- VII. Emergency operations
 - A. Loss of communications
 - B. One engine inoperative during straight-and-level flight and turns (multiengine)
 - C. One engine inoperative—instrument approach (multiengine)
 - D. Loss of gyro attitude and/or heading indicators
- VIII. Postflight procedures
 - Checking instruments and equipment

{Q&A-585}

QUESTION: Does the logbook endorsement required by § 61.157(b)(2) for a type rating at the ATP certification level [or § 61.63(d)(3) for a type rating at the commercial pilot certification level] have to be given by a certificated flight instructor with the appropriate type rating on the flight instructor's pilot certificate? In this particular question, the training is not being performed under an air carrier training program nor under Part 142. The training is being performed in a Gulfstream G-IV and the person giving the training only holds an ATP certificate with an Airplane Multiengine Land and G-IV type rating.

ANSWER: Ref. § 61.1(b)(2) and § 61.195(e); Since you qualified your question to remove the air carrier and Part 142 training option [meaning *See* § 61.1(b)(2)(iii)], then my answer is the flight instructor would have to hold a Flight Instructor Certificate with an Airplane Multiengine and Instrument-Airplane ratings. The flight instructor would also have to hold a G-IV type rating on his/her pilot certificate.

{Q&A-581}

QUESTION: Does time spent off duty providing flight training under Part 61 as a certified flight instructor (CFI) count toward the maximum time I am permitted to fly commercially in a part 121 air carrier operation? For example, I am a pilot for United Airlines in scheduled passenger carrying operations. I want to provide flight training as a CFI at my home airport in a small general aviation airplane

ANSWER: Ref. § 61.195(a) and § 121.471(a) or (b); Yes, the flight time a person provides giving flight training under Part 61 as a certified flight instructor (CFI) during his "off time" counts toward/against the maximum time permitted to be flown commercially in a part 121 air carrier operation.

The maximum time permitted to be flown commercially in a part 121 air carrier operation is based on the flight time limitations established in:

Subpart Q of Part 121 [*i.e.*, § 121.471]; or

Subpart R of Part 121 [*i.e.*, § 121.481 or § 121.483 or § 121.485 or § 121.487 or § 121.489, as appropriate]; or

Subpart S of Part 121 [*i.e.*, § 121.503 or § 121.505 or § 121.507 or § 121.509 or § 121.515 or § 121.517 or § 121.521 or § 121.523 or § 121.525, as appropriate].

In discussing this question with the FAA's Air Transportation Division, AFS-200, air carriers have standing directives to its flight crew personnel that they must inform or refrain from outside commercial flying activities. {Q&A-560}

QUESTION: May a holder of a U.S. flight instructor certificate give flight training to a holder of a US pilot certificate outside the United States, (*i.e.*, in France)? The French Government desires a written interpretation of the FAR's.

ANSWER: Ref. § 61.3(a) and (d) and § 61.195(d); The answer is yes, a person who holds a flight instructor certificate may give flight training to a holder of a US pilot certificate outside the United States within a foreign country, and that includes in France. That is, there would be no violation of any U.S. rules over this kind of scenario. But since this training is being conducted in France, the French aviation authorities may have their own rules governing this scenario.

The only rules that even remotely address your question are § 61.3(a) and (d) and § 61.195(d). The way these rules [*i.e.*, § 61.3(a) and (d) and § 61.195(d)] remotely address your question is that these rules cover the authority, limitations, and qualifications of a CFI, and these rules do not prohibit a CFI from giving flight training to holders of US pilot certificates outside the United States, (*i.e.*, in France). There are no rules in Part 61 or Part 91 that prohibit it. Only in § 61.3(a) where it addresses the pilot in command legal requirements does it state: “. . . 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.” In accordance with § 61.3(a), in order for a person to act as pilot in command of a U.S. registered aircraft that the person is required to hold a valid U.S. pilot certificate or special purpose pilot authorization. However, when an aircraft of U.S. registry is being operated within a foreign country, a current pilot license issued by the country in which the aircraft is operated may be used.

Additionally, per § 61.41(a)(2), it permits the crediting of flight training given by a person who holds a foreign flight instructor certificate provided the “. . . the flight training is given outside the United States.” However, I realize your question specifically asked whether a holder of a U.S. flight instructor certificate may give flight training to a holder of a US pilot certificate outside the United States. And again the answer is yes, provided the foreign country's rules allow it. There are no FAA rules that prohibit it.

QUESTION: May a holder of a U.S. flight instructor certificate give flight training to a holder of a US pilot certificate outside the United States in a non-US registered aircraft, (*i.e.*, in a French registered aircraft)?

ANSWER: Ref. § 61.3(b) and § 61.195(d); Yes, a holder of a U.S. flight instructor certificate may give flight training to a holder of a US pilot certificate outside the United States in a non-US registered aircraft, (*i.e.*, in a French registered aircraft). That is, there would be no violation of any U.S. rules over this kind of scenario. But since this training is being conducted in a French registered aircraft in France, the French aviation authorities may have their own rules governing this kind of a scenario.

The only rules that even remotely address this question is § 61.3(b) and in § 61.195(d). And in § 61.3(b) the rule applies to civil aircraft of foreign registry within the United States. You are asking for an interpretation about a CFI

who is giving flight training to US pilot certificate holders outside the United States in a non-US registered aircraft. There are no rules in Part 61 or Part 91 that prohibit it.

Additionally, per § 61.45(a)(2)(ii), our rules even permit an applicant to furnish an aircraft of foreign registry to be used for the practical test. However, I realize your question specifically asked whether a holder of a U.S. flight instructor certificate may give flight training to a holder of a US pilot certificate in a foreign registered aircraft outside the United States. And again the answer is yes, provided the foreign country's rules allow it. But again, there are no FAA rules that prohibit it.

{Q&A-490}

QUESTION: § 61.195(h)(iv) states: "For training in preparation for an airplane, rotorcraft, or powered-lift rating, have given at least 200 hours of flight training as a flight instructor;..." An AOPA member posed this question to me: I have had my CFI certificate since 1991. From 1998 through 2001, I gave approximately 1400 hours of military instruction. Do these hours count toward the "200 hours of flight training" if I stayed current during this time?

ANSWER: Ref. § 61.195(h)(2)(iii) and (iv); Yes, the 1400 hours of military flight instructor time counts.

In reference to § 61.195(h)(2)(iii) and (iv) [i.e., "... held a flight instructor certificate for at least 24 months . . ." and "... have given at least 200 hours of flight training as a flight instructor . . ."] does not specify whether the flight training was given as a military flight instructor or as a civilian flight instructor. It just requires the person to have "... held a flight instructor certificate for at least 24 months . . ." and "... have given at least 200 hours of flight training as a flight instructor . . ."

{Q&A-485}

QUESTION: What are the privileges held by a CFI - Instrument Airplane "only" (no single or multiengine rating) on his CFI with respect to instructing instrument procedures in a multi-engine airplane. He has multi-engine rating on his commercial certificate. Can he, while instructing instruments, simulate engine failure? Can he demonstrate VMC? Can he simulate engine failure during takeoff prior to 50% of VMC? Etc.

ANSWER: Ref. § 61.193(f) and § 61.195(f); Per § 61.193(f), a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating 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 an Instrument-Airplane rating. And per § 61.195(f), in pertinent part, states a flight instructor may not give training required for the issuance of a certificate or rating in a multiengine airplane unless that flight instructor has at least 5 flight hours of pilot-in-command time in the specific make and model of multiengine airplane. These sections 61.193(f) and 61.195(f) are the only regulatory requirements that even remotely addresses your question.

Since training on the Vmc maneuver and procedure is not a task associated with the Instrument-Airplane rating, a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating may NOT give the training required for that maneuver and procedure.

Since the training on the simulating engine failure during takeoff prior to 50% of Vmc is not a task associated with the Instrument-Airplane rating, a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating may NOT give the training required for that maneuver and procedure.

However, there is no regulatory requirement in Part 61, other than § 61.193(f) and § 61.195(f) that apply. There is nothing that legally prohibits a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating and has at least 5 flight hours of pilot-in-command time in the specific make and model of multiengine airplane per § 61.195(f) from giving the training required for the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" because the maneuver and procedure on "One engine inoperative during straight-and-level flight and turns (multiengine)" is a task associated with the Instrument-Airplane rating.

Likewise, there is no regulatory requirement in Part 61, other than § 61.193(f) and § 61.195(f), that legally prohibits a person who only holds a Flight Instructor-Instrument Airplane (CFII) rating from giving the training required for

the maneuver and procedure on “One engine inoperative—instrument approach (multiengine)” because the maneuver and procedure on “One engine inoperative—instrument approach (multiengine)” is a task associated with the Instrument-Airplane rating.

Unfortunately, Part 61 and every other rule does not regulate judgment! I can't imagine an owner of an aircraft or an insurance company ever allowing rental of their multiengine airplane to a person who does not hold an airplane multiengine rating on his/her flight instructor certificate when that person intends to give training on engine inoperative maneuvers.

The following are the areas of operation and tasks that relate to an Instrument-Airplane rating. A person who only holds a Flight Instructor-Instrument Airplane (CFII) rating may provide training on the following areas of operation and tasks that are associated with an Instrument-Airplane rating:

- I. Preflight preparation
 - A. Weather information
 - B. Cross-country flight planning
- II. Preflight procedures
 - A. Aircraft systems related to IFR operations
 - B. Aircraft flight instruments and navigation equipment
 - C. Instrument cockpit check
- III. Air traffic control clearances and procedures
 - A. Air traffic control clearances
 - B. Compliance with departure, en route, and arrival procedures and clearances
 - C. Holding procedures
- IV. Flight by reference to instruments
 - A. Straight-and-level flight
 - B. Change of airspeed
 - C. Constant airspeed climbs and descents
 - D. Rate climbs and descents
 - E. Timed turns to magnetic compass headings
 - F. Steep turns
 - G. Recovery from unusual flight attitudes
- V. Navigation systems
 - Intercepting and tracking navigational systems and DME arcs
- VI. Instrument approach procedures
 - A. Nonprecision instrument approach
 - B. Precision ILS instrument approach
 - C. Missed approach
 - D. Circling approach
 - E. Landing from a straight-in or circling approach
- VII. Emergency operations
 - A. Loss of communications
 - B. One engine inoperative during straight-and-level flight and turns (multiengine)
 - C. One engine inoperative—instrument approach (multiengine)
 - D. Loss of gyro attitude and/or heading indicators
- VIII. Postflight procedures
 - Checking instruments and equipment

{Q&A-457}

QUESTION: Must an instructor hold an ATP in order to instruct in an ATP certification course.

ANSWER: 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 }

QUESTION: 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: Ref. § 61.195(h)(2) and (3)(ii); 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, § 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 in an FAA-approved course 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: 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: Ref. § 61.31(f) and § 61.195(b); 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, For 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: 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: Ref. § 61.31(f) and § 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: 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: Ref. § 61.19(a) and § 61.195(h)(1); 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: 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: 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: § 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: 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: Can a Flight Instructor with an Airplane Single-Engine rating (but no Instrument-Airplane rating on his CFI) provide a Private Pilot applicant (student pilot) 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.]

ANSWER: 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 (student pilot) 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;"

{Q&A-249}

QUESTION: Can a Flight Instructor with only an Instrument-Airplane rating on his CFI certificate (but no Airplane Single-Engine rating on his CFI certificate), and Airplane Single-engine Land, Instrument Airplane ratings on his pilot certificate give the flight training required by § 61.65(c) for an instrument rating added to a Private Pilot Certificate-Airplane Single-engine Land?

ANSWER: Ref. § 61.195(c); The answer is yes as addressed in § 61.195(c).

So in the example in your question, the flight instructor holds 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 airplane-single-engine land 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 a single-engine land airplane. That flight instructor must hold the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate or ATP
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 a multiengine land airplane. That flight instructor must hold the following:

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate or ATP
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 a multiengine land airplane shall not do so.

Flight Instructor Certificate
Instrument-Airplane

Commercial Pilot Certificate or ATP
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.”
{Q&A-249}

QUESTION: 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?

§ 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: 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 shown above.
{Q&A-249}

QUESTION: 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 time 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: 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: Per § 61.65(d)(2)(i), can a CFI-Helicopter (not instrument rated) give any of the fifteen hours required by this section?

ANSWER: 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: Ref. § 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 § 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 § 61.195(c)?

ANSWER: Ref. § 61.195(c), 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 Renewal of flight instructor certificates

QUESTION: Can a CFI keep renewing his certificate based on activity to extend the expiration date of his CFI certificate where he uses the provisions of § 61.197(a)(2)(i) [*i.e.*, having endorsed “. . . at least five students for a practical test for a certificate or rating . . .”] and he is attempting to use his endorsement activities that were previously used on the preceding flight instructor renewal?

I have an applicant who wants to renew his CFI certificate this month based on activity. His activity during the preceding 24 calendar months consists of one failure out of a total of six students for a pass rate of 83%. He just renewed his CFI certificate based on activity on 12/27/02, and his current certificate will expire on 12/31/04. He is attempting to use 4 student endorsements that he had previously used on his previous flight instructor renewal.

The applicant said that he would like to extend his CFI certificate expiration date by four months, even though he will continue to do flight instruction in the upcoming months.

I read § 61.197(a)(2)(i) and checked the FAQs, but cannot find anything that prohibits him from renewing his CFI certificate as often as he wants. If he is allowed to renew his CFI certificate as often as he wants, could he renew it every month?

ANSWER: Ref. § 61.197(a)(2)(i); The answer is no, a CFI may not renew his flight instructor certificate on the basis of having endorsed at least five students for a practical test for a certificate or rating where those student endorsements were used on the previous flight instructor renewal. He can't use the same students. Meaning, he can't apply on the basis of an applicant passing a practical test for a certificate or rating and then submit that activity of that new applicant passing a practical test for a certificate or rating plus use the 4 previous applicants he had used for his flight instructor renewal previously. He can't do that. The endorsement of "... at least five students for a practical test for a certificate or rating ..." must be endorsement activities that were not previously used on the previous flight instructor renewal.

In answer to the second part of your question in regards § 61.197(a)(2)(i) where you asked is he "... allowed to renew his CFI certificate as often as he wants, could he renew it every month ... ? If this flight instructor has a high volume of flight training and endorsement activities (e.g., like at one of the busy, large flight training schools) and this flight instructor can show having endorsed at least five students for a practical test for a certificate or rating within the preceding 24 calendar months, and those endorsements were not previously used on his previous flight instructor renewal, then it is possible for a person to renew their flight instructor certificate prior to the 24 calendar month duration.

{Q&A-558}

QUESTION: A flight instructor presents their records to the FAA for the purpose of renewing their flight instructor certificate based on § 61.197(a)(2)(i). The instructor's records reflect that within the preceding 24 calendar months, the instructor has endorsed 25 students for a practical test. Of the 25 students endorsed, five passed the practical test on the first attempt (25% pass rate). Would the applicant be eligible for renewal based on § 61.197(a)(2)(i)?

ANSWER: Ref. § 61.197(a)(2)(i); The flight instructor renewal applicant would not qualify for renewing his/her flight instructor certificate on the basis of § 61.197(a)(2)(i). The flight instructor renewal applicant shows only a 25% pass rate. Per § 61.197(a)(2)(i), the flight instructor renewal applicant must show "... at least 80 percent of those students passed that test on the first attempt ..." [see § 61.197(a)(2)(i)].

The intent of the phrase "... and at least 80 percent of those students passed that test on the first attempt ..." in § 61.197(a)(2)(i) means the flight instructor renewal applicant will be required to show at least an 80% pass rate on the first attempt on all his/her students that he/she endorsed for a certificate or rating during the preceding 24 calendar months.

The intent of the phrase "... has endorsed at least five students for a practical test for a certificate or rating ..." in § 61.197(a)(2)(i) means the flight instructor renewal applicant must have endorsed at least 5 students during the preceding 24 calendar months. Otherwise, no less than 5 students during the preceding 24 calendar months. And as I have mentioned previously in Q&A 505, the flight instructor renewal applicant cannot pick the applicants he/she wants to present for renewal. For renewal, all of the 25 students endorsed during the preceding 24 calendar months would be counted in computing the pass rate. And your flight instructor renewal applicant only is able to show a 25% pass rate.

Your flight instructor renewal applicant would not qualify for renewing his/her flight instructor certificate on the basis of § 61.197(a)(2)(i).

{Q&A-518}

QUESTION: Is there any provision that permits the graduate of a Part 141 flight instructor refresher course [Appendix K(11)] to receive an automatic renewal of his or her certificate as happens at the end of such flight instructor refresher clinics?

ANSWER: Ref. § 61.197(a)(2)(iii); Yes, it is permissible for a person who completes a "*Flight Instructor Refresher Course*" [i.e., Part 141, Appx. K, paragraph 11] to be considered to have completed an approved Flight Instructor Refresher Course. And per § 61.197(a)(2)(iii) and in accordance with this rule, it states "... A person who holds a flight instructor certificate that has not expired may renew that certificate by-- ... Presenting to an authorized FAA Flight Standards Inspector-- ... 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."
{Q&A-509}

QUESTION: When a CFI uses 61.197(a)(2)(i) to renew his/her CFI certificate, must he/she present records of all applicants endorsed during the past 24 months, or can they pick any 5 of the applicants they have endorsed during this time?

ANSWER: Ref. § 61.197(a)(2)(i); The flight instructor renewal applicant cannot pick the applicants he/she wants to present for renewal.

The intent of the phrase "... has endorsed at least five students for a practical test for a certificate or rating ..." in § 61.197(a)(2)(i) means the flight instructor renewal applicant must have endorsed at least 5 students during the preceding 24 calendar months. Otherwise, no less than 5 students during the preceding 24 calendar months.

The intent of the phrase "... at least 80 percent of those students passed that test on the first attempt ..." in § 61.197(a)(2)(i) means the flight instructor renewal applicant will be required to show at least an 80% pass rate on the first attempt on all his/her students that he/she endorsed for a certificate or rating during the preceding 24 calendar months.
{Q&A-505}

QUESTION: I have another question on § 61.197(a)(2)(i): "A record of training students showing that, during the preceding 24 calendar months. ..." When an applicant applies for his/her CFI renewal, do I count exactly 24 months back from the current month?

ANSWER: Ref. § 61.197(a)(2)(i); The intent of the phrase "... during the preceding 24 calendar months ..." in § 61.197(a)(2)(i) means to count backwards 24 months from the month of application. In effect, the applicant gets to count the month of application plus the preceding 24 calendar months which really equals 25 months.

For example, a flight instructor renewal applicant appears at the Honolulu FSDO today (May 24, 2002) to make application to renew his/her flight instructor certificate. The FAA Flight Standards Inspector/FAA Flight Standards Aviation Safety Technician should count backwards from the month of May of 2002 to the month of May in the year 2000.

Whether the flight instructor renewal applicant is renewing within the preceding 3 calendar month window or not of the expiration month on his/her flight instructor certificate, you still should count backwards from the month of application for the preceding 24 calendar months. For example, that same flight instructor renewal applicant appears at the Honolulu FSDO today (May 24, 2002) to make application to renew his/her flight instructor certificate. The expiration date on the applicant's flight instructor certificate is August 31, 2002. The FAA Flight Standards Inspector/FAA Flight Standards Aviation Safety Technician should still count backwards from the month of May of 2002 to the month of May in the year 2000.
{Q&A-505}

QUESTION: We have a "junior" flight instructor (who has held his initial flight instructor certificate for less than 24 calendar months – 10 months, actually) that otherwise meets the criteria for receiving a Gold Seal. He has submitted an application for adding a Gold Seal on his Flight Instructor Certificate. We have reviewed FAA Order 8700.1, Volume 2, Chapter 13, Section 2, paragraph 5.E and Advisory Circular 61-65D, §18. They both indicate the same requirements, but no mention of a minimum time the CFI certificate must be held. Is it permissible for this person to be awarded a Gold Seal in spite of not holding the CFI certificate for at least 24 months?

ANSWER: Ref. § 61.197; and FAA Order 8700.1, Volume 2, Chapter 13, Section 1, paragraph 5.C and Volume 2, Section 2, paragraph 5.E; Yes, it is permissible for a flight instructor who has held his/her flight instructor certificate for less than 24 calendar months to make application for, and be issued a Gold Seal on his/her Flight Instructor Certificate, provided the flight instructor has met the requirements of FAA Order 8700.1, Volume 2, Chapter 13, Section 2, paragraph 5.E.

No place in FAA Order 8700.1, Volume 2, Chapter 13, Section 1, paragraph 5.C or Section 2, paragraph 5.E does it establish a requirement for a person to have held a flight instructor certificate for 24 calendar months. In fact, in FAA Order 8700.1, Volume 2, Chapter 13, Section 1, paragraph 5.C, it merely states:

"C. Issuance. A gold seal may be added to a flight instructor certificate upon renewal, reinstatement, when adding an additional rating, or by application, if the criteria stated in Section 2, paragraph 5E of this Chapter are met."

Emphasis added: ". . . or by application, if the criteria stated in Section 2, paragraph 5.E. of this Chapter are met."
{Q&A-489}

SITUATION: We (Airman Certification, AFS-760) are having some problems with CFI certificate holders who attend a FIRC and are not given temporary certificates because the FIRC does not issue temporary renewed flight instructor certificates. Either the flight instructor renewal applicant goes to his/her jurisdictional FSDO or the FIRC sends the files directly to us here in AFS-760. All FIRC graduation certificates show an expiration date 90 days from the date of graduation. Occasionally, these graduation certificates have expired before the permanent flight instructor certificates are issued. This basically means the flight instructor has only that expired FIRC graduation certificate in hand to operate as a CFI until he/she receives their permanent flight instructor certificate.

We have thoroughly searched Part 61 and FAA Order 8700.1 for any written guidance that states a graduation certificate is only valid for 90 days. We have found nothing that actually states that. (We may need to look at AC61-65D, dated September 20, 1999, page 10, paragraph 9.d. which states "However, the FIRC graduation certificate must be presented to a FSDO within 90 days of completing the FIRC. Then it gives an example. The next paragraph instructs "taking into consideration the 90-day duration period of the FIRC graduation certificate," I really believe this is the only official publication that says anywhere that the FIRC graduation certificate is only valid for 90 days, so we want to take a look at it. § 61.197(a)(2)(iii) states:

- (a) "A person who holds a flight instructor certificate that has not expired may renew that certificate by--
* * *
- (2) Presenting to an authorized FAA Flight Standards Inspector--
* * *
- (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: Does this literally mean that the flight instructor certificate must still be current and that the graduation certificate can not be older than 3 calendar months when the airman makes application?

ANSWER: Ref. § 61.197(a)(2)(iii); The flight instructor certificate must not have expired. And the flight instructor renewal applicant must present his or her FIRC graduation certificate that shows ". . . within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course . . ." So

simply put, today is November 15, 2001. So that person's FIRC graduation certificate must show a date that is dated "... within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course ..." (otherwise, the FIRC graduation certificate must show a date with the month of November, October, or September on it. Or the month of December on the FIRC graduation certificate will also suffice.).

So, for example, a flight instructor renewal applicant completed a FIRC course of training on September 1, 2001 and the FIRC graduation certificate shows a graduation date of September 1, 2001. The expiration date on the flight instructor renewal applicant's flight instructor certificate shows December 31, 2001. Today is November 15, 2001 and the flight instructor renewal applicant appears at the FSDO for renewal of his or her flight instructor certificate and ratings. The applicant may be re-issued a flight instructor certificate with a new expiration date of December 31, 2003. The flight instructor renewal applicant has met the requirements of § 61.197(a)(2)(iii).
{Q&A-460}

QUESTION: Can an applicant still make application with an expired graduation certificate (90 days old) if the CFI certificate is still current. According to question 1 of Q&A 175, you do state the graduation certificates are now valid for 3 calendar months, so the 90 days no longer applies. AC61-65D is dated after this and after Part 61 changed. Does that mean they become invalid after 3 months? I realize you didn't say they are only current for 3 calendar months, so I just want to be sure?

ANSWER: Ref. § 61.197(a)(2)(iii) and (b)(2)(ii); The answer is yes, it is possible for an applicant to make application for renewal of his/her flight instructor certificate with a FIRC graduation certificate that is older than 90 days. Only § 61.197(a)(2)(iii) and (b)(2)(ii) address this question.

A flight instructor renewal applicant can make application for re-issuance of his or her flight instructor certificate with a FIRC graduation certificate that is older than 90 days, provided the flight instructor renewal applicant's FIRC graduation certificate shows a date that is "... within the preceding 3 calendar months ..." and provided the applicant's flight instructor certificate has not expired. For the purpose of renewal, a FIRC graduation certificate need only show that "... within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course ..." [emphasis added preceding 3 calendar months].
{Q&A-460}

QUESTION: If the answer to either question 1 or 2 answer is yes, can this also mean that the date of issue on the temporary certificates would not necessarily need to reflect the graduation date because the applicant can use that graduation certificate in lieu of a certificate, indefinitely even if the graduation date shows it expired?

ANSWER: Ref. § 61.197(a)(2)(iii) and (b); The issuance date of the temporary flight instructor certificate does not necessarily need to reflect the same date on the FIRC graduation certificate. As I explained in Q&A 354 in an earlier question and answer, in that answer I gave the following example to explain the answer:

The ASI can sign the temporary renewed flight instructor certificate the date he/she actually signs the temporary renewed flight instructor certificate. The issuance date of the permanent renewed flight instructor certificate, that is issued by AFS-760, will be the same date the temporary renewed flight instructor certificate was issued. However, the expiration date that will be placed on both the temporary and permanent renewed flight instructor certificate will be August 31, 2001.

So in the question you've asked, you said the flight instructor renewal applicant satisfactorily completed the FIRC on August 27, 1999. The date that shows on the person's FIRC graduation certificate is August 27, 1999. The ASI gets around to signing the flight instructor renewal applicant's flight instructor certificate and reviewing the application on September 18, 1999.

August 27, 1999 will be the date the applicant will place on the front page of the Airman Certificate and/or Rating Application (FAA Form 8710-1) in the box noted as "Date" next to the applicant's signature box.

September 18, 1999 will be the issuance date that will be placed on the person's temporary flight instructor certificate (FAA Form 8060-4). September 18, 1999 will be the issuance date that you in AFS-760 will place on the person's permanent flight instructor certificate.

August 27, 1999 will be the date the FAA will 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."

September 18, 1999 will be the date that will be placed in the box identified as "Date" next to the "Inspector's Signature" box.

And if the flight instructor renewal applicant renews within the preceding 3 calendar month "window" of his or her current flight instructor certificate's expiration month, that person's flight instructor certificate retains the expiration month. If the person completes the FIRC training course outside that preceding 3 calendar month "window," the newly issued flight instructor certificate gets the month the FIRC training course was completed.
{ Q&A-460 }

QUESTION: On the "P" page of P-117 § 61.3 states "The FAA notes that the preamble to the final rule states that under paragraph (d) the phrase "other documentation acceptable to the Administrator" would permit a flight instructor to use a copy of the graduation certificate for a CFI refresher course and 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)." Can this be interpreted to mean, even if the graduation certificate is expired and the airman has no evidence of renewal (i.e. a copy of an application for renewal) that he/she can be considered to have met the requirement of § 61.197?

ANSWER: Ref. § 61.197(a)(2)(iii); The answer is yes, whether the FIRC graduation certificate is older than 90 days or not, that flight instructor renewal applicant must present his or her FIRC graduation certificate that shows "... within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course ...". So again, today is November 15, 2001, so that person's FIRC graduation certificate must show a date that is dated "... within the preceding 3 calendar months ...". (otherwise, it must show a date with the month of November, October, or September, or December, on it to retain the December expiration month).
{ Q&A-460 }

QUESTION: Can we assume this covers any flight instructor renewal applicant who attends a FIRC training course either in person or by computer course and may not be able to produce evidence of having made a timely application before the permanent CFI expired? In other words if a flight instructor renewal applicant has a graduation certificate dated before the expiration of his or her flight instructor certificate, can a FSDO accept a statement such as "I sent my application to you before my permanent CFI expired" even if the flight instructor renewal applicant has no evidence, such as a copy of the application, to support the statement?

ANSWER: Ref. § 61.197(a)(2)(iii); The answer is no. The flight instructor renewal applicant must present his or her FIRC graduation certificate that shows "... within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course ...". Saying you did it doesn't comply with § 61.197(a)(2)(iii)!
{ Q&A-460 }

QUESTION: A flight instructor renewal applicant's flight instructor certificate shows an expiration date of December 31, 2002. The applicant completes a FIRC training course on September 2, 2001 [emphasis added: the flight instructor renewal applicant completed the FIRC training course 1 year and 4 months early]. That applicant appears at the FSDO on December 31, 2001, with a completed FAA Form 8710-1 application for renewal of his or her flight instructor certificate with a FIRC graduation certificate dated September 2, 2001. What is the new expiration date that we should issue on the applicant's renewed flight instructor certificate?

ANSWER: Ref. § 61.197(b)(1); The new expiration date is September 30, 2003.
{Q&A-460}

QUESTION: Reference General Aviation Handbook Bulletin (HBGA) 01-01A. Where and how does a Flight Instructor Renewal Examiner (FIRE) complete a flight instructor renewal applicant's Airman Certificate and/or Rating Application (FAA Form 8710-1) so we (Airmen Certification, AFS-760) can recognize that the examiner is, in fact, a FIRE? Please provide the implementation policy guidance for Airmen Certification.

ANSWER: Ref. HBGA 01-01A (AMENDED) issued May 16, 2001; On the back page of the Airman Certificate and/or Rating Application (FAA Form 8710-1) in the area noted as "Designated Examiner or Airman Certification Representative Report," the flight instructor renewal examiner (FIRE) will check the appropriate box:

[] I have personally reviewed the applicant's pilot logbook and/or training record, and certify that the individual meets the pertinent requirements of 14 CFR Part 61 for the certificate or rating sought.

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having 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 [i.e., 14 CFR § 61.197(a)(2)(i)].

or

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having participated as a flight instructor in a phase of the FAA's WINGS Program in accordance with the flight instructor renewal provisions set forth in HBGA 00-18.

[] I have personally reviewed this applicant's graduation certificate, and found it to be appropriate and in order, and have the returned the certificate.

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having a graduation certificate that shows, within the preceding 3 calendar months prior to the date of application, the applicant has successfully completed an approved flight instructor refresher course in accordance with 14 CFR § 61.197(a)(2)(iii).

The following is an example of how the FIRE should complete the boxes in the section noted as "Designated Examiner or Airman Certification Representative Report" on the back page of the FAA Form 8710-1, Airman Certificate and/or Rating Application:

Location of Test (Facility, City, State) SW FSDO #9, Oklahoma City, OK

Certificate or Rating for Which Tested Flight Instructor Renewal

Date	Examiner's Signature (Print Name & Sign)	Certificate No.	Designation No.	Designation Expires
7/1/2001	Carla Colwell Carla Colwell	2178895	WP-07-0281 "FIRE"	7/31/2002

*IMPORTANT COMPLETION: The FIRE must make sure that he or she identifies themselves as a Flight Instructor Renewal Examiner by stating the words "FIRE" under their Designation No. in the box noted as "Designation No."

Additionally, the FIRE will check the following boxes near the bottom of the back page of the FAA Form 8710-1, Airman Certificate and/or Rating Application, under the section noted as "Aviation Safety Inspector or Technician Report":

☒ Flight Instructor

☒ Renewal

Instructor Renewal Based On

☐ Activity

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having 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 [i.e., 14 CFR § 61.197(a)(2)(i)].

or

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having participated as a flight instructor in a phase of the FAA's WINGS Program in accordance with the flight instructor renewal provisions set forth in HBGA 00-18.

☐ Training Course

This box is checked when the flight instructor renewal applicant is applying for renewal on the basis of having a graduation certificate that shows, within the preceding 3 calendar months prior to the date of application, the applicant has successfully completed an approved flight instructor refresher course in accordance with 14 CFR § 61.197(a)(2)(iii).

Additionally, the FIRE will complete the following information at the bottom of the back page of the FAA Form 8710-1, Airman Certificate and/or Rating Application, under the section noted as "Attachments:"

Attachments: ☒ Airman Identification (ID)

☒ Temporary Airman Certificate Oklahoma Driver's License ID:

Form of ID

Name: Jim Q. Applicant

☒ Superseded Airman Certificate

Date of Birth: 6/30/1974

L-010-099-0111-0999-4567

Certificate Number: 2238599

Number

E-Mail Address: jqa.@net

December 31, 2005

Expiration Date

405 555-5555

Telephone No.

{Q&A-453}

QUESTION: I am requesting some clarification on HBGA 00-18 "Procedures for Renewing A Flight Instructor Certificate on the Basis." On page 2, C(6) of the HBGA 00-18 under guidance on how to process such an application, the bulletin states "The date the ASI/AST records in the box noted as Date of FAA Form 8710-1 should be the date the flight instructor met the requirements for renewal of his or her flight instructor certificate via the renewal procedures set forth in this bulletin." Then the bulletin provides an example. This example and guidance can be confusing and/or perhaps misleading.

Suppose an applicant comes in to renew his certificate on June 29th (the certificate expires June 30th) based on his activity in the "Wings" program. His documentation is in order and he has personally received his "Wings" as well. [paragraph 3.B.(4) of the HBGA 00-18]. However, his last "Wings" instruction was signed off on April 12th. Does the bulletin suggest that we renew this instructors certificate with a 'backdated' application date of April 12th? Would this procedure therefore not 'shortchange' the CFI of two months because his new expiration date would now be April 30, year+2?

Follow-up Question:

We are concerned about when do we change the CFI renewal date?

"EXAMPLE:

Flight Instructor Certificate expires August 31, 2001. Applicant arrives at office June 27, 2001. Application is dated April 5, 2001. Applicant provides documentation that April 5th was the date when he completed the requirements for HBGA 00-18.

Should the CFI expiration now be April 30, 2003?

If so, the temporary certificate, dated April 5, 2001 will expire before the 'hard' copy arrives, because the applicant's paperwork was sent on to AFS-760 from the FSDO on June 28, 2001."

ANSWER: Ref. § 61.197(b)(2)(i) and HBGA 00-18; First of all, people who are able to renew their flight instructor certificate/rating(s) through the method we established in HBGA 00-18 are able to be renewed because that flight instructor has "... (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;" [i.e., § 61.197(a)(2)(ii)]

And per § 61.197(b)(2)(i), a person may renew their flight instructor certificate/rating(s) and keep the same expiration month if that flight instructor accomplished the renewal "... within the 3 calendar months preceding the expiration month of the current flight instructor certificate ..."

As for the quote you cited in your question where you made reference to the example cited in paragraph 3.C.(6) [i.e., "... The date the ASI/AST records in the box noted as Date of FAA Form 8710-1 should be the date the flight instructor met the requirements for renewal of his or her flight instructor certificate via the renewal procedures set forth in this bulletin. ..."] the bulletin's example does not negate the 3 calendar months provision set forth in § 61.197(b)(2)(i). Nor was there any intent to do so. The ASI/AST would, as cited in paragraph 3.C.(6) of HBGA No. 00 18 "... sign his or her portion of FAA Form 8710-1 with that same September 7, 2000 date ... " and then if the flight instructor renewal applicant's certificate expiration date happened to be December 31, 2000, the renewed expiration date would become December 31, 2002. Just like § 61.197(b)(2)(i) provides, a person may renew their flight instructor certificate/rating(s) and keep the same expiration month if that flight instructor accomplished the renewal "... within the 3 calendar months preceding the expiration month of the current flight instructor certificate ..."

As for your question "Does the bulletin suggest that we renew this instructors certificate with a 'backdated' application date of April 12th?" The ASI/AST would record the April 12, 2001 date in the box noted as "Date" on FAA Form 8710-1 because that was the date the flight instructor met the requirements for renewal of his or her flight instructor certificate via the renewal procedures set forth in HBGA No. 00-18. ... [i.e., paragraph 3.C.(6) of HBGA No. 00 18]. And the flight instructor renewal applicant's certificate expiration date was June 30, 2001, so per § 61.197(b)(2)(i), the applicant will receive a June 30, 2003 expiration date on his/her renewed flight instructor certificate. Per § 61.197(b)(2)(i), count backwards from June meaning counting May as the first month, April as the second month, and March as the third month. Per § 61.197(b)(2)(i), if flight instructor renewal applicant accomplished the renewal "... within the 3 calendar months preceding the expiration month of the current flight instructor certificate ... " then the expiration month remains the same.

As for your follow-up question in which the renewal requirements were met on April 5th; per § 61.197(b)(2)(i), the flight instructor did not accomplish the renewal "... within the 3 calendar months preceding the expiration month of the current flight instructor certificate ..." [meaning counting backwards July, June, and May]. So the flight instructor's certificate would receive a new April 30, 2003 expiration date. The ASI/AST would still sign the FAA Form 8710-1 application with the April 5, 2001 date, because as you stated the flight instructor renewal applicant provides documentation that April 5, 2001 was the date when he/she completed the requirements for HBGA 00-18 and the application was correctly dated by the applicant with a April 5, 2001 date. The new expiration date will become April 30, 2003.

{Q&A-443}

QUESTION: I just want to confirm with you the interpretation of § 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: The FIRC graduation certificates are 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) states "... within the preceding 3 calendar months ..." However, for a FIRC graduation certificate to be valid for "... 3 calendar months ..." the expiration month of the flight instructor certificate must have 3 calendar months to go. Otherwise, for example, if a person's flight instructor certificate expires on July 31, 2001 and the person only completed the FIRC on July 30, 2001, then that FIRC graduation certification is only good for one day. Not 3 calendar months.

QUESTION: 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: Ref. § 61.197(b)(2); A person who completed a FIRC on August 16 (and whose flight instructor certificate expiration month was December) would receive their flight instructor certificate with a new expiration month of August. To have retained the December expiration month, the person would have had to renew during the month of September, October, November, or December [i.e., § 61.197(b)(2)(i)]. 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: 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: Ref. § 61.197(b)(2)(i); ABSOLUTELY NOT!!! No way does the rule allow the applicant to combine the FIRC graduation certificate plus an extra 3 calendar months. In this situation, the applicant's new expiration date on his flight instructor certificate would be January 31, 2000. The flight instructor renewal applicant did not renew "... within the 3 calendar months preceding the expiration month of the current flight instructor certificate ..." [i.e., § 61.197(b)(2)(i)].
{Q&A-175}

QUESTION: How can aviation safety inspectors (FSDO, RO, HQ, IFO, FAA Academy, or otherwise like CSET) renew their flight instructor certificates?

ANSWER: Ref. § 61.197(a)(1) or (a)(2)(ii) or (a)(2)(iii); An 1825 series FAA Aviation Safety Inspector can renew his/her flight instructor certificate by any one of the following methods:

1. Passing a practical test for one of the ratings listed on the current flight instructor certificate or by passing a practical test for an additional flight instructor rating. [Ref. § 61.197(a)(1)]
2. Presenting a graduation certificate to an FAA ASI or AST that shows within the preceding 3 calendar months, the 1825 series Aviation Safety Inspector successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both. [Ref. § 61.197(a)(2)(iii)]
3. Presenting a record to an authorized FAA ASI (or AST) that shows within the preceding 24 calendar months, the 1825 series Aviation Safety Inspector has served in a position involving the regular evaluation of pilots. [Ref. § 61.197(a)(2)(ii)]

But I assume you're asking this question because you really are interested whether it is legal for an 1825 series FAA Aviation Safety Inspector (*emphasis added 1825 series FAA Aviation Safety Inspector*) to have their flight instructor certificate renewed in accordance with § 61.197(a)(2)(ii) [meaning "in a position involving the regular evaluation of pilots"].

The answer is yes, an 1825 series FAA ASI whose duties and responsibilities involve the regular evaluation of pilots may have their flight instructor certificate renewed on the basis of their assigned duties and responsibilities regardless of whether the duties and responsibilities are being performed at the FAA's Washington HQ, regional office, FSDO, IFO, CMO, or at the FAA Academy. An 1825 series FAA ASI must be involved in the regular evaluation of pilots. Meaning this provision [i.e., § 61.197(a)(2)(ii) "in a position involving the regular evaluation of pilots"] would not apply to an ASI whose job only involves airworthiness or avionics kinds of duties as an 1825 series FAA ASI.

Now I have learned in the FAA's Alaskan Region, there are some 1825 series FAA ASIs who perform both airworthiness and operations duties. In that case where the 1825 series FAA ASI performs both airworthiness (or avionics duties) and operations duties where the ASI can show that he/she is "in a position involving the regular evaluation of pilots" then yes those ASIs may have their flight instructor certificates renewed on the basis of § 61.197(a)(2)(ii). But again and emphasis added, the 1825 series FAA Aviation Safety Inspector must be able to show that their duties and responsibilities involve the regular evaluation of pilots.

In renewing an 1825 series FAA ASI's flight instructor certificate on the basis of their assigned duties and responsibilities involve the regular evaluation of pilots, the box noted as "Duties and Responsibilities" on the bottom of the last page of the Airman Certificate and/or Rating Application, FAA Form 8710-1 should be checked.
{Q&A-439}

NOTE: The answer to this question has been changed to reflect updated guidance from AFS-840 to AFS-760 that occurred on November 13, 2001.

QUESTION: Amendment 61-103, P-117, § 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 ASI who is issuing temporary renewed flight instructor certificates with a date of September 18, 1999 for a group of CFI renewal applicants whose flight instructor certificates would have expired August 31, 1999. However, these CFI renewal applicants completed a FIRC on August 27, 1999 and August 27, 1999 is the date that shows on their FIRC graduation certificates. This ASI believes it is not appropriate to "back date" the temporary renewed flight instructor certificates with the date the CFI renewal applicants qualified. This ASI believes the temporary renewed flight instructor certificates should be dated when he signs the temporary renewed flight instructor certificate. In this case, the ASI signed the temporary renewed flight instructor certificates 20 days later (September 18, 1999) when he actually typed the temporary renewed flight instructor certificates. Now it is 18 days after the permanent renewed flight instructor certificates have expired. This could be just so simple if we could standardize and just use the FIRC graduation certificate date (meaning August 27, 1999).

If what this ASI is doing is allowed, it creates the situation when there is a period of time a CFI is legally signing off on training using his FIRC graduation certificate, 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 have agreed to allow AOPA to send their FIRC graduates' applications who apply during their expiration month directly to us without having been issued a temporary renewed flight instructor certificate. We agreed to use the graduation date as the renewal date of issue, just as AFS-800 asked us to do. If we were to use the date we actually issued the permanent certificate, it could be 60 days after the CFI certificate had expired. We are going to use the graduation date, and FSDOs who issue for FIRCs, other than AOPA, must do the same when a later date would show the CFI certificate expired. If they are going to use any other formula, we don't see how this can work.

ANSWER: Ref. § 61.197(a)(2)(iii) and (b)(2)(ii); This question is more a policy/procedural matter than a § 61.197 issue. This is a policy/procedural matter that I believe is AFS-760's call to make. However to insure that this answer is understood, the applicant's flight instructor certificate must not have expired. And the flight instructor renewal applicant must present his or her FIRC graduation certificate that shows "... within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course ..." [i.e., § 61.197(a)(2)(iii)].

The ASI can sign the temporary renewed flight instructor certificate the date he/she actually signs the temporary renewed flight instructor certificate. The issuance date of the permanent renewed flight instructor certificate, that is issued by AFS-760, will be the same date the temporary renewed flight instructor certificate was issued.

So in the question you've asked, you said the flight instructor renewal applicant satisfactorily completed the FIRC on August 27, 1999. The date that shows on the person's FIRC graduation certificate is August 27, 1999. The ASI gets around to signing the flight instructor renewal applicant's flight instructor certificate and reviewing the application on September 18, 1999.

August 27, 1999 will be the date the applicant will place on the front page of the Airman Certificate and/or Rating Application (FAA Form 8710-1) in the box noted as "Date" next to the applicant's signature box.

September 18, 1999 will be the issuance date that will be placed on the person's temporary flight instructor certificate (FAA Form 8060-4). September 18, 1999 will be the issuance date that you in AFS-760 will place on the person's permanent flight instructor certificate.

August 27, 1999 will be the date the FAA will 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."

September 18, 1999 will be the date that will be placed in the box identified as "Date" next to the "Inspector's Signature" box.
{Q&A-354a}

QUESTION: Can an CFI who has successfully completed a (FIRC) on the internet, downloading his/her graduation certificate and also downloading a (FAA Form 8710-1) properly filled out, along with his superseded Flight Instructors Certificate renew by mail? Could (ASIs or ASTs) in the FSDO, after receiving all the proper forms and documents in the mail, renew the Flight Instructors Certificate by completing of the required forms and mail the Temporary Certificate to the airman to sign? Keep in mind that the instructor can use a copy of the graduation certificate to exercise his privileges until a temporary or permanent certificate is in hand.

ANSWER: Ref. § 61.197(a)(2)(i), (ii), or (iii) and § 61.3(d)(1); Yes, a CFI renewal applicant whose certificate has not expired (means the CFI has satisfactorily accomplished the renewal requirements prior to expiration date of his or her certificate) may renew his or her flight instructor certificate by sending their application and superseded flight instructor certificate to the FSDO via the U.S. Postal Service. Yes, an ASI or AST may renew a CFI renewal applicant who sends his or her application through the U.S. Postal Service. Yes, the temporary airman certificate can be sent to the CFI renewal applicant to sign (but it is not necessary, read below on item 6). Yes, a copy of the CFI renewal applicant's flight instructor refresher clinic graduation certificate may be used until the applicant's permanent flight instructor certificate arrives.

Now here is the procedural requirements that must be followed in order to accomplish the renewal requirements via the U.S. Postal Service system.

1. The applicant will be required to submit an original completed FAA Form 8710-1 Airman Certificate and/or Rating Application
2. The applicant must submit his or her permanent flight instructor certificate.
3. The CFI renewal applicant must submit a copy of his or her identification that contains a picture of the applicant (i.e., driver license, military I.D. card, etc.). That copy of the applicant's identification document must be notarized by a Notary Public.
4. If the CFI renewal applicant is renewing on the basis of satisfactory completion of a flight instructor refresher clinic [*i.e.*, § 61.197(a)(2)(iii)], the applicant will be required to submit a copy of their graduation certificate.
5. If the CFI renewal applicant is renewing on the basis of § 61.197(a)(2)(i) or (ii), the applicant must provide copies of the "records" that substantiates the training of "... 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," or having 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. And those records must be notarized by a Notary Public.
6. The Flight Standards District Office will then process the application file and issue the CFI renewal applicant a temporary airman certificate. The Flight Standards District Office will then process the applicant's file and temporary airman certificate to the FAA's Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125. The Flight Standards District Office need not have a signed temporary airman certificate by the CFI renewal applicant in order to submit the applicant's file to AFS-760.
7. Per § 61.3(d)(1) [*i.e.*, "... or other documentation acceptable to the Administrator . . ."], the CFI renewal applicant may use the original of his or her FIRC graduation certificate and a copy of their superseded flight instructor certificate until the applicant's permanent flight instructor certificate arrives. Or the applicant may use their submitted FAA Form 8710-1 Airman Certificate and/or Rating Application and a copy of the superseded flight instructor certificate until the applicant's permanent flight instructor certificate arrives.

{Q&A-432}

QUESTION: In § 61.197(a)(2)(ii), it reads “. . . 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 judgment 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 judgment 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 judgment 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(a)(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: 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: 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: 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: 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: 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: 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: 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: 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: Ref. § 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 FSDO's workshops as meeting the requirements of § 141.79(c). § 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: 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: Ref. § 61.197; 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: 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: Ref. § 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."

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: 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: Ref. § 61.197(a)(3); No, we did not intend to stop that practice. Nor does the overall provisions of the rule [i.e., § 61.197] prevent a person from renewing his/her flight instructor certificate more frequently than the 24-calendar month duration.
{Q&A-33}

QUESTION: § 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: 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: Ref. § 61.197; The answers are yes and yes; 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, § 61.197(b) was changed from expiration date to expiration month.. What is this a correct interpretation of the rule?

ANSWER: Ref. § 61.197(b); 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: In § 61.197(a)(2)(ii), it reads "... 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: Ref. § 61.197(a)(2)(ii); 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 re-qualification 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 FAA 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 Expired flight instructor certificates & ratings

QUESTION: My flight instructor certificate was initially issued with the rating “Airplanes” on May 11, 1966, and it expired on May 31, 1968. What is required to reinstate the flight instructor certificate? Must I take a “written” test to be eligible to take the flight instructor practical test?

ANSWER: Ref. § 61.199(a) and FAA Order 8700.1, Volume 2, Chapter 11, page 11-3, paragraph 13B; Because your flight instructor certificate expired prior to November 1, 1975, and it authorized “FLIGHT INSTRUCTOR – AIRPLANES”, the certificate is considered an “Old Flight Instructor Certificate.” The “Old Flight Instructor Certificate” only had category ratings (e.g., airplane, rotorcraft, and glider). The FAA revised Part 61 (Certification: Pilots and Flight Instructors) effective November 1, 1973. The revision established airplane class ratings [*i.e.*, airplane single engine and airplane multiengine] on the flight instructor certificate. Because the FAA did not want to rescind any previously held privileges, the FAA gave flight instructor certificate holders a two year window to convert from an “airplane” only category rating to a category and class rating. Depending on the ratings that the pilot held on his or her pilot certificate and the instructional experience of the flight instructor, the person was permitted to convert to either or both of the airplane class ratings prior to November 1, 1975. After that date, the person, as in your case, had to demonstrate the each class privilege (*i.e.*, ASE or AME class ratings) to hold that particular airplane class rating.

- You may reinstate your flight instructor certificate by satisfactorily passing a practical test for a flight instructor certificate.

Chapter 11 of FAA Order 8700.1 is titled, “Conduct A Flight Instructor Initial/Reinstatement/Renewal Certification And Additional Category/Class Ratings.” You may refer to Paragraph 13.B. *Reinstatement of Old Instructor Certificates* in FAA Order 8700.1.

You will *not* be required to take the Aeronautical Knowledge Tests (what you and I use to call a written test) for Fundamentals of Instruction (FOI) or for Flight Instructor – Airplanes. You may present your expired flight instructor certificate as evidence that you passed these knowledge tests (the expired certificate will be exchanged for a reinstated certificate upon your satisfactory completion of the practical test). If you do not have your old flight instructor certificate, you may write the FAA Airman Certification Branch (P.O. Box 25082, Oklahoma City, OK 73125) and request a letter verifying that you held a flight instructor certificate. The Airman Certification Branch will not issue a duplicate of an expired certificate. The letter may be used as evidence that you passed the FOI and Airplane Aeronautical Knowledge Tests.

Your reinstatement practical test must be done in the same class of airplane (*e.g.*, ASEL, AMEL, etc.) as the class of airplane in which you took your initial flight instructor test. The best way to prove which class of airplane that you used on the test is to obtain a copy of your airman record file from the FAA Airman Certification Branch. You may get information on how to obtain that record from the following FAA website:

<http://registry.faa.gov/airman.asp>

Once you are at the site, click the link for “A Copy of Your Airman Certification Records.” Your record will have a copy of your application (FAA Form 8710-1, Airman Certificate and/or Rating Application) for the flight instructor certificate. The back of the form will show on the back the type of airplane you used on the test.

Additionally, if you took the initial test in a non-complex airplane (without retractable gear and constant speed propeller), you will have to take the reinstatement practical test in a complex airplane. For example, if you took the initial flight instructor test in a Cessna 150 or a Piper Cub J-3, you will have to take the reinstatement test in a complex airplane such as a Piper Arrow (PA-28R) or Beechcraft Bonanza (BE-33, BE-35, or BE-36). If you took the initial flight instructor test in a Beechcraft Bonanza or a Piper Aztec PA-23 (multiengine airplane), will not need to take the reinstatement test in a complex airplane.

Even though you didn't ask whether you needed a flight instructor endorsement (sign off in your logbook and on your application), I will answer that question anyway. You *do not need* an endorsement from a flight instructor to take the reinstatement (or renewal) flight instructor practical test. You *do need* endorsements *to add* any additional ratings to the reinstated flight instructor certificate. For example, if you take the reinstatement test in a complex single engine airplane, you will need instructor endorsements (logbook and application) to add an AME rating to the flight instructor certificate.

{Q&A-526}

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 § 61.199(a). Specifically, you are concerned about the reinstatement of expired flight instructor certificates and ratings.

As you point out in your letter, § 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 § 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.

§ 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: § 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: Ref. § 61.199(a); 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: 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 Single Engine practical test in a Cessna 152 and a satisfactory completion of that practical test renew all the person's flight instructor ratings?

ANSWER: Ref. § 61.199(a); Yes, completion of one practical test allows an exchange (re-instatement of) for all the person's flight instructor ratings.

Read the words in § 61.199(a) which read “. . . by passing a practical test . . .” It doesn't say multiple practical tests, it reads “. . . 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 Ground instructor eligibility requirements

QUESTION: 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: Ref. § 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 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. Unfortunately the official document is still under review by our writer/editors.

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: 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: 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: Reference 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: Ref. §§ 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) and AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65”; 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. AC 60-28 “English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65” is the FAA’s primary source document for understanding the intent of being able to read, speak, write, and understand the English language.
{Q&A-198a}

§ 61.215 Ground instructor privileges

QUESTION: I have a question concerning Ground Instructor Privileges. I hold a Ground Instructor Certificate with an Advanced and Instrument ratings. My question is:

As a Ground Instructor with an Advanced and Instrument ratings on my Ground Instructor Certificate, may I give the instrument training to an applicant for an Instrument – Airplane rating in a flight simulator (FS)/flight training device (FTD)?

ANSWER: Ref. § 61.215(b) and (c); Yes, a person who holds either an Advanced rating or an Instrument rating on their Ground Instructor Certificate, may give instrument training in a FS/FTD to an applicant for an Instrument – Airplane rating.

As per § 61.215(b)(1), a holder of a Ground Instructor Certificate with an Advanced rating is authorized to give “Ground training in the aeronautical knowledge areas required for the issuance of any certificate or rating under this part.” And ground training is defined in § 61.1(b)(8) as meaning “. . . that training, other than flight training, received from an authorized instructor.” Flight training is defined in § 61.1(b)(8) as meaning “. . . that training, other than ground training, received from an authorized instructor in flight in an aircraft.” [Emphasis added “in an aircraft”] So, ground training would include training in a flight simulator/flight training device.

As per § 61.215(c)(1), a holder of a Ground Instructor Certificate with an Instrument rating is authorized to give “Ground training in the aeronautical knowledge areas required for the issuance of an instrument rating under this part. And again, ground training is defined in § 61.1(b)(8) as meaning “. . . that training, other than flight training, received from an authorized instructor.” Flight training is defined in § 61.1(b)(8) as meaning “. . . that training, other than ground training, received from an authorized instructor in flight in an aircraft.” [Emphasis added “in an aircraft”] So, ground training would include training in a flight simulator/flight training device.
{Q&A-475}

QUESTION: Can an instrument ground instructor perform the instrument proficiency check of § 61.57(d)?

ANSWER: Ref. § 61.215(c) and (d); No, a person who holds an instrument ground instructor certificate may not conduct an instrument proficiency check. Per § 61.215(c), a person who holds an instrument ground instructor certificate is only 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.

and

Per § 61.215(d), a person who holds an instructor ground instructor certificate is only authorized to endorse the logbook or other training record of a person to whom the holder has provided the training or recommendation specified in paragraphs (c) of this section.

{Q&A-454}

QUESTION: 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: 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: Ref. § 61.57(d)(2)(iv), § 61.215(c)(1) and (2), and the definition of ground training in § 61.1(b)(8). 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. Yes, a IGI may give the training. However, an IGI can not conduct the proficiency check.

{Q&A-68}

QUESTION: 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. § 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: Ref. § 61.215(b); Yes, per § 61.215(b) the rule 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: Can Advanced Ground Instructor (AGI) provide a recommendation for the instrument knowledge test?

ANSWER: Ref. § 61.215(b)(3); Yes; per § 61.215(b)(3), it reads “a recommendation for a knowledge test required for the issuance of any certificate or rating under this part.”
{Q&A-73}

QUESTION: 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: Ref. § 61.215; 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 Ground instructor recent experience requirements

QUESTION: I received a call from a glider CFI that holds an AGI. She's a current glider CFI, but her AGI is not current per § 61.217. Her question is, if she is an active glider instructor, does that keep her AGI current?

ANSWER: Ref. § 61.217(a) and § 61.193; Yes, a person who is serving as a flight instructor (*i.e.*, CFI) and who can show having given training as a flight instructor “. . . within the preceding 12 months: . . . for at least 3 months as a ground instructor . . .” would be considered to have met the ground instructor currency requirements of § 61.217(a). The rationale of this answer, is that the privileges of a flight instructor certificate with the appropriate rating affords a flight instructor the same privileges [except that the flight instructor also has flight training privileges] of a ground instructor certificate with the appropriate rating for giving ground training.

There is no specific guidance contained in FAA Order 8700.1, Chapters 158 or 159 on this question.
{Q&A-552}

QUESTION: Can a Ground Instructor meet the Recent Experience Requirements in § 61.217 by attending a Flight Instructor Refresher Clinic (FIRC)? If so, how is the logbook endorsement obtained? What about successful completion of an online or home study FIRC course? How would the endorsement be handled under those circumstances?

ANSWER: Ref. § 61.217(b); Yes, a ground instructor may meet the “recent experience requirements” of § 61.217(b) by satisfactorily completing an approved flight instructor refresher clinic (FIRC) because the FIRC training programs adequately cover the subjects listed in § 61.213 (a)(3) and (a)(4).

However, to meet the “. . . received an endorsement . . .” requirement, as stated in § 61.217(b), the FIRC provider may issue the following endorsement to the ground instructor so the ground instructor can show having “. . . demonstrated satisfactory proficiency in the subject areas prescribed in § 61.213 (a)(3) and (a)(4) . . .” [i.e., § 61.217(b)].

This below endorsement is the recommended endorsement contained in AC 61-65D.

27. Ground instructor who does not meet the recent experience requirements: § 61.217(b)

I certify that (First name, MI, Last name) has demonstrated satisfactory proficiency on the appropriate ground instructor knowledge and training subjects of § 61.213(a)(3) and (a)(4).

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-00 [*or CGI, as appropriate]
(The expiration date would apply only to a CFI.)

Or, the FAA has permitted FIRC providers to issue completion certificates to non-flight instructor qualified attendees who complete the FIRC training. So the FAA will extend this practice by allowing the FIRC provider to issue completion certificates to ground instructor attendees. A FIRC provider may issue the ground instructor with the above endorsement or the completion certificate to meet the “. . . endorsement . . .” requirement in § 61.217(b).

As for your question “. . . What about successful completion of an approved online or home study FIRC course . . .” my answer is still the same. Yes, a ground instructor may meet the “recent experience requirements” of § 61.217(b) by satisfactorily completing an approved online or home study FIRC training program. The online/home study providers of FIRC training programs may issue the ground instructor the endorsement noted above, as shown in AC 61-65D, or a completion certificate.
{Q&A-450}

QUESTION: 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: Ref. § 61.217(a); No, it doesn't have to be consecutive. Just like the rule reads: “. . . 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: A question has been raised about the currency requirements for ground instructors under § 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: Ref. § 61.217(b); 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 to 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: 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: Ref. § 61.217(b); Just like it reads to do in § 61.217(b). It reads: "(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 GI 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: Does a pilot who meets the requirements of § 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: 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: 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: 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: 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: 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}

APPENDIX #1 (for Part 61 Q&A's)

QUESTION: The second question is relating to the qualification of the second-in-command pilot crewmember on the practical test. The proposed SIC for this check does not hold a U.S. pilot certificate and nor does he not hold a Fokker F-27 type rating. Since the purpose of the flight is to conduct a practical test for the Fokker F-27 type rating, must the right seat pilot hold a Fokker F-27 type rating and be fully qualified to act as the PIC?

ANSWER: Ref. § 91.109(c); The person serving in the other pilot seat (right seat) must be fully qualified to act as the pilot in command of the aircraft. Meaning, that person must hold a Fokker F-27 type rating and be fully qualified and current to act as the pilot in command of the aircraft. As per § 91.109(c), “. . . No person may operate a civil aircraft that is being used for a flight test for an airline transport pilot certificate or a class or type rating on that certificate, or for a part 121 proficiency flight test, unless the pilot seated at the controls, other than the pilot being checked, is fully qualified to act as pilot in command of the aircraft . . .”
{Q&A-636}

QUESTION: In paragraph 3 on page 1-5 of FAA Order 8710.3C some have interpreted the language in Geographic Limits of Authority to mean that:

The supervising FSDO cannot deny a request from a DPE to perform flight checks outside of the supervising FSDO's geographic boundaries; and,

The decision to operate in another FSDO's geographic area is made entirely by the supervising FSDO, not the geographical FSDO where the DPE would perform pilot testing.

In other words, some believe that when a DPE requests testing privileges outside of their designating FSDO's geographic boundaries, the designating FSDO is required to grant them the authority even if the geographical FSDO has no need for their services. Some believe that the policy in paragraph 3 on page 1-5 of FAA Order 8710.3C provides that the designating FSDO is only required to notify the geographical FSDO that its examiner will be operating the geographical FSDO's area. The designating FSDO must agree and sign the DPE's Certificate of Authority, even if they do not have a need for his/her services.

ANSWER: Ref. FAA Order 8710.3C; page 1-5, paragraph 3: Per paragraph 3 of FAA Order 8710.3C on page 1-5, the language is quite clear that a designated pilot examiner may not operate outside the jurisdictional area of his/her designating FSDO without the approval of that designating FSDO and only after coordination and approval from the geographical FSDO. Therefore, designated pilot examiners may not operate outside their jurisdictional area of his/her designating FSDO without the approval of the designating FSDO. And in addition, the geographical FSDO has authority to allow or not allow that designated pilot examiner to operate within their geographical area.

As per paragraph 3 of FAA Order 8710.3C on page 1-5, “. . . all tests conducted by an examiner must originate within the FSDO's geographical area. A DPE's authorization is limited to the designated FSDO's geographical area of responsibility UNLESS prior coordination and approval to originate tests outside the area is obtained from the FSDO. If such authorization is granted, the designating FSDO will coordinate with the district office in whose area the practical tests are to be given and advise the DPE which FSDO will process the certification file . . .”

{Q&A-631; Locate in Appendix 1 at the end of the Part 61 FAQs document}
{Q&A-631}

QUESTION: A question has come up concerning the requirements for an examiner's PIC competency renewal check in accordance with FAA Order 8700.1, Chapter 15, Section 1, Paragraph 23 and FAA Order 8710.3D, Chapter 3, page 3-3, paragraph 7 involving large non-turbine powered airplanes and turbine powered airplanes. The question involves an examiner that is not affiliated with the National Designated Pilot Examiner Registry (NDPER) of vintage airplanes.

The examiner holds designation in three turbine-powered airplanes types and seven large non-turbine powered airplane types.

The examiners hold designations in the following types of airplanes:

Large non-turbine powered airplanes = CV-P4Y, LP2V, FA-119C, L-18, C-82A, C-97 (B-377), and B-26.

Turbine-powered airplanes = DO-228, SD3, and CASA-212

How many PIC competency renewal checks must this examiner take each year and in what airplanes does the checks have to be performed in?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, Chapter 15, Section 1, page 15-10, paragraph 23.A. and C.(1) and (2) and FAA Order 8710.3D, page 3-3, paragraph 7 [Locate under Appendix 1 of the Q&A Document]; To emphasize the facts presented in your question, this answer is only for examiners who are not affiliated with the National Designated Pilot Examiner Registry (NDPER). Examiners who are affiliated with the National Designated Pilot Examiner Registry (NDPER) have different re-qualification criteria.

Secondly, in accordance with FAA Order 8700.1 and FAA Order 8710.3D, the preferred method of renewing an examiner is for the examiner to be observed by the FAA conducting an actual practical test of an applicant.

During the first renewal cycle, an examiner must accomplish one PIC competency renewal check in one of the large non-turbine powered airplane types and one PIC competency renewal check in one of the turbine powered airplane types (e.g., CV-P4Y and DO-228).

During the second renewal cycle, an examiner must accomplish PIC competency renewal checks in all seven of the large non-turbine powered airplane types and in all three of the turbine powered airplane types.

The process then repeats the cycle.

QUESTION: I have a designated pilot examiner who is authorized to conduct practical tests in an Airplane Single Engine Land, Airplane Single Engine Sea, Airplane Multiengine Land. The examiner holds designations in the following types of airplanes:

Multiengine Airplanes = Cessna 421.

Turbine-powered airplanes = Beechcraft BE90 and Lear Jet

How many PIC competency renewal checks does an examiner have to perform for renewal and in what airplanes does the checks have to be performed in?

ANSWER: Ref. FAA Order 8700.1, Vol. 2, Chapter 15, Section 1, page 15-10, paragraph 23.A. and C.(1) and FAA Order 8710.3C, page 3-3, paragraph 7 [Locate under Appendix 1 of the Q&A Document]; During the first renewal cycle, the examiner will be required to take two PIC competency renewal checks. During the second renewal cycle, the examiner must take three PIC competency renewal checks. At the third renewal, the examiner will be back to taking two PIC competency renewal checks. At the fourth renewal cycle, the examiner must take three PIC competency renewal checks. The process then repeats the cycle. So, during the first renewal cycle, the examiner will be required to accomplish a PIC competency renewal checks in the Cessna 421 and in the Lear Jet type. During

the second renewal cycle, the examiner must accomplish PIC competency renewal checks in the Cessna 421, Beechcraft BE-90, and in the Lear Jet type. The process then repeats the cycle.

However, in accordance with FAA Order 8700.1 and FAA Order 8710.3D, the preferred method of renewing an examiner is for the examiner to be observed by the FAA conducting an actual practical test of an applicant.
{Q&A-613}

Public Law 106-424, § 14

Q&A 254 revision resulted from the issuance of Public Law 106-424, section 14, dated November 1, 2000. Public Law 106-424, section 14 states:

SECTION 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of Title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of Title 49, United States Code, if that aircraft is--

- (1) Identifiable by category and class; and
- (2) Used in law enforcement activities.

And Section 40102 of Title 49 of the United States Code defines public aircraft as:

(37) ``public aircraft"—

- (A) means an aircraft—
 - (i) used only for the United States Government;
 - (ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration; or
 - (iii) owned and operated (except for commercial purposes), or exclusively leased for at least 90 continuous days, by a government (except the United States Government), including a State, the District of Columbia, or a territory or possession of the United States, or political subdivision of that government; but
- (B) does not include a government-owned aircraft—
 - (i) transporting property for commercial purposes; or
 - (ii) transporting passengers other than—
 - (I) transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or
 - (II) transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States.

An aircraft described in the preceding sentence shall, notwithstanding any limitation relating to use of the aircraft for commercial purposes, be considered to be a public aircraft for the purposes of this part without regard to whether the aircraft is operated by a unit of government on behalf of another unit of government, pursuant to a cost reimbursement agreement between such units of government, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.

So, what this new Public Law 106-424, section 14 permits is:

1. A pilot who is performing a law enforcement activity in a public aircraft may log that flight time for meeting the aeronautical experience requirements for the furtherance of a certificate, rating, or flight review required by 14 CFR Part 61. [i.e., § 61.51(a)(1)].

and

2. Additionally, a pilot who is performing a law enforcement activity in a public aircraft may log that flight time for meeting the aeronautical experience required for meeting the recent flight experience requirements of 14 CFR Part 61. [i.e., § 61.51(a)(2)].

In both cases the public aircraft must have a comparable civil counterpart [i.e., as in the case of a former military helicopter (OH-58) being utilized by a police department] meaning that aircraft must be able to be identified as an aircraft *category* of “rotorcraft” and an aircraft *class* rating as “helicopter.” Otherwise, the intent of “comparable civil counterpart” means that the public aircraft must be identifiable as a category of aircraft and class of aircraft, if class of aircraft is applicable, [e.g., “airplane single-engine land, rotorcraft-helicopter, airplane multiengine land, etc.”] as described in 14 CFR § 61.5(b)(1) through (4). Then and only then may that flight time acquired by a pilot while performing a law enforcement activity in a public aircraft be used for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in 14 CFR § 61.51(a)(1) and (2).

However, Public Law 106-424, section 14 only permits the logging of flight time during flights involving a law enforcement activity, but Public Law 103-411 is still the law that addresses what is permissible as a “public aircraft operation.” And Public Law 103-411 only permits certain flights in “public aircraft” for the 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 permit a flight in a “public aircraft” if the flight involved training SWAT team personnel for the purpose of training these personnel for a law enforcement activity. The flight would be considered an authorized governmental function and would be acceptable under Public Law 103-411. And the pilot(s) who fly the “public aircraft” for this training session would be permitted to log the flight time, in accordance with Public Law 106-424, section 14. However, if a flight were for anything other than the flights described in items 1 through 4 above, then the flight would be considered to be a “civil aircraft operation.” And in accordance with 14 CFR § 91.203(a)(1) for “civil aircraft operations” the aircraft would be required to have “An appropriate and current airworthiness certificate. . . .”

Here are some examples what the FAA would consider as flights involving a law enforcement activity that are acceptable as a “public aircraft operation” and a pilot would be permitted to log the flight time in accordance with Public Law 106-424, section 14:

1. A flight at a crime scene for such purposes for surveillance, fugitive apprehension, riot control, deployment of SWAT teams to the theater of operations, etc.
2. A flight for the purpose of providing essential crew training to law enforcement personnel (e.g., training for observer qualification and familiarization training of essential crewmembers).
3. A flight for the purpose of providing mission training (e.g., law enforcement SWAT team).
4. Flying law enforcement personnel and officials who need to be flown to a remote command and operations center/site that is overseeing an event/occurrence).

The following are examples that would not be considered acceptable as a public aircraft operation, and so the flight time would not be permitted to be logged:

1. A flight for the purpose of merely providing pilot training for an airmen certificate or rating under Part 61. The answer is no, the flight time may not be credited for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in § 61.51(a)(1) and (2).
2. A flight for the purpose of accomplishing a practical test for an airmen certificate or rating or for a flight instructor certificate or rating under Part 61. The answer is no, the flight time may not be credited for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in § 61.51(a)(1) and (2).
3. A flight for the purpose of accomplishing a flight review for the purpose of purely meeting the requirements of 14 CFR § 61.56. The answer is no, the flight time may not be credited for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in § 61.51(a)(1) and (2).
4. A flight for the purpose of accomplishing the instrument currency or instrument proficiency check for the purpose of meeting the requirements of 14 CFR § 61.57. The answer is no, the flight time may not be credited for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in § 61.51(a)(1) and (2).
5. A flight for the purpose of providing transportation to a law enforcement official/personnel for personal reasons, for a speaking engagement, or for a charitable event. The answer is no, the flight time may not be credited for the purpose of meeting the 14 CFR Part 61 aeronautical experience and recency of experience requirements described in § 61.51(a)(1) and (2).

NOTICE

The “Part 141 Frequently Asked Questions” and the “Aeronautical Experience Checklist” are in separate documents and are located on the AFS-800 Webpage <<http://www.faa.gov/avr/afs/afs800>> at –

<<http://www.faa.gov/avr/afs/afs800/docs/pt141FAQ.doc>> which are the Part 141 FAQs.

<<http://www.faa.gov/avr/afs/afs800/docs/aero-exp.doc>> “Aeronautical Experience Check List” which is a file that contains an aeronautical experience checklist to assist in checking an applicant’s FAA Form 8710-1-Airman Certificate and/or Ratings or a Part 141 Pilot School’s required training hours.