



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

Office of the Chief Counsel

800 Independence Ave., S.W.  
Washington, D.C. 20591

FEB 20 2014

Jared Kuhn  
308 North Street  
West Lafayette, IN 47906

Dear Mr. Kuhn:

This letter responds to your request for a legal interpretation of 14 C.F.R. § 61.129 dated October 10, 2013. You asked several questions concerning crediting required flight time under § 61.129(a)(4)<sup>1</sup> by performing the duties of pilot in command (PIC) in a single engine airplane with an authorized instructor on board instead of performing this required flight time as solo flight time.

Your first question is whether a certificated flight instructor (CFI) may log PIC time for a flight conducted to meet the flight time requirements of § 61.129(a)(4). Section 61.51(e) prescribes the requirements for logging PIC time. Specifically, § 61.51(e)(3) states: "A certificated flight instructor may log pilot in command flight time for all flight time while serving as the authorized instructor in an operation if the instructor is rated to act as pilot in command of that aircraft." Provided the instructor is rated to act as PIC of the aircraft, the instructor can log PIC time for the entire flight because the instructor is serving as an authorized instructor under § 61.129(a)(4) for that flight.

Your second question concerns how the pilot performing the duties of PIC with an authorized instructor may log flight time. Because this flight time is a substitute for solo flight time, the pilot is not receiving instruction and therefore cannot log this time as dual instruction received. The pilot can log the time to meet the requirements of § 61.129(a)(4) and log total flight time. Section 61.51(e) prescribes the requirements for logging PIC time. The pilot could log PIC time under § 61.51(e)(1)(i) if the pilot has a private pilot certificate with the appropriate ratings for the aircraft. Otherwise, the pilot cannot log PIC time. None of the other § 61.51(e) logging provisions are applicable to your scenario. However,

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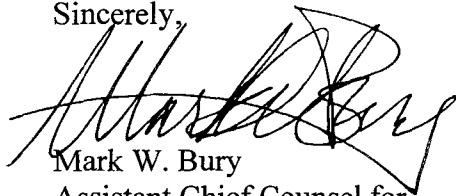
<sup>1</sup> We assume Mr. Kuhn's questions concern § 61.129(a)(4), which prescribes the aeronautical experience requirements for a commercial pilot airplane single-engine rating. Nevertheless, similar crediting requirements exist for a commercial pilot airplane multi-engine rating under § 61.129(b)(4), for a commercial helicopter rating under § 61.129(c)(4), for a commercial pilot gyroplane rating under § 61.129(d)(4), and for a commercial pilot powered-lift rating under § 61.129(e)(4).

§ 61.129(a)(4) permits crediting of the time toward the 100 hours of PIC time required for the commercial pilot certificate under § 61.129(a)(2). The logbook entry should accurately reflect the provision under which the flight time is logged.

Your final question is whether the CFI must act as PIC for this type of flight. If either the instructor or the pilot performing the duties of PIC has the appropriate category, class, and type (if applicable) ratings for the aircraft and is otherwise authorized to act as PIC, either can act as PIC. Otherwise, the CFI must have the appropriate ratings for the aircraft, be authorized to act as PIC, and act as PIC. *See* Legal Interpretation to Jason E. Herman (May 21, 2009).

This response was prepared by Robert Hawks, an Attorney in the International Law, Legislation, and Regulations Division of the Office of Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service. We hope this response has been helpful to you. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Bury", written over a horizontal line.

Mark W. Bury  
Assistant Chief Counsel for  
International Law, Legislation and Regulations (AGC-200)