



U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

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

DEC 14 2009

John Speranza
82 Main Street
Hopkinton, MA 01748

Dear Mr. Speranza:

This responds to your request for a legal interpretation dated July 30, 2009. Your letter requests clarification concerning the logging of pilot-in command (PIC) time under 14 C.F.R. § 61.51(e)(1)(i).

Your letter presents a scenario in which Pilot A and Pilot B, who both hold private pilot certificates and ratings appropriate to the aircraft, take a flight under instrument flight rules (IFR) for which one flight crewmember is required. Pilot A holds an instrument rating and acts as PIC for the flight. Pilot B, who does not hold an instrument rating, is the sole manipulator of the controls for a portion of the flight. You ask whether Pilot B may log PIC time for the portion of the flight during which Pilot B was the sole manipulator of the controls. You further ask whether Pilot A, who acts as the PIC and is therefore a required flight crewmember for the entire flight, may also log PIC time for the portion of the flight during which Pilot B was the sole manipulator of the controls.

Section 61.51(e) governs the logging of PIC time. Section 61.51(e)(1)(i) states, in relevant part, that a sport, recreational, private, or commercial pilot may log PIC time for the time during which that pilot is "the sole manipulator of the controls of an aircraft for which the pilot is rated or has privileges." Section 61.51(e)(1)(iii) states, in relevant part, that a private or commercial pilot may log PIC time for the time during which that pilot acts as PIC of "an aircraft for which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted."

The FAA previously has stated the term "rated," as used in § 61.51(e), refers to the pilot holding the appropriate aircraft ratings (category, class, and type, if a type rating is required), and these ratings are listed in 14 C.F.R. § 61.5 and are placed on the pilot certificate. *See* Legal Interpretation to Jason E. Herman (May 21, 2009); Legal Interpretation to James R. Knight II (June 3, 1999). As correctly noted in your letter, for the purpose of logging PIC time under § 61.51(e), a pilot must hold ratings for the aircraft rather than for the conditions of flight. Accordingly, Pilot B may log PIC time for the portion of the flight during which Pilot B was the sole manipulator of the controls.

The FAA has previously stated that there is a distinction between logging PIC time and acting as a PIC. *See Herman Interpretation*. To act as a PIC (i.e., the pilot who has final authority and responsibility for the operation and safety of the flight), a pilot must be properly rated in the aircraft and be properly rated and authorized to conduct the flight. In your example of an IFR flight, being properly rated and authorized would include having an instrument rating. Accordingly, only Pilot A may act as the PIC, and Pilot A has final authority and responsibility for the safety of the flight regardless of who is manipulating the controls. However, Pilot A may not log PIC time for the portion of the flight during which Pilot B is the sole manipulator of the controls, and is logging PIC time, because there is no provision for this logging in § 61.51(e). Section 61.51(e)(1)(iii) allows the pilot acting as PIC to log PIC time only if more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted, and only one pilot is required for the flight in your example. Although Pilot B properly may log PIC time for a portion of the flight as discussed previously, Pilot B could not act as PIC and was not a required flight crewmember for any portion of the flight under the aircraft's type certificate or the regulations under which the flight was conducted.

This response was prepared by Robert Hawks, an Attorney in the Regulations Division of the Office of Chief Counsel and coordinated with the Certification and General Aviation Operations Branch 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,



Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200

Enclosures

February 9, 1999

Bill Carpenter
12808 E. Pacific Drive, #302
Aurora, Colorado 80014

Dear Mr. Carpenter:

Thank you for your letter of January 25, 1999, in which you ask questions about logging pilot in command (PIC) time and second in command (SIC) time when operating under Part 121 of the Federal Aviation Regulations (FAR)

You first ask whether it would be proper under FAR 61.51(g) for a properly qualified SIC to log instrument flight time flown during instrument conditions while serving as the SIC in Part 121 operations on an aircraft that requires two crewmembers. The answer is yes. As a qualified SIC, and as a required crewmember, you are "operating" the aircraft within the meaning of FAR 61.51(g). Therefore, as the SIC operating the aircraft "solely by reference to instruments under actual or simulated instrument flight conditions," you would log that time as SIC flown in instrument conditions. Naturally, the PIC logs the time as PIC flown in instrument conditions.

You then ask if, for the purposes of maintaining instrument currency, an instrument approach on the above flight flown by the PIC can be logged as an instrument approach by the SIC. The answer is no. As the SIC you have not "performed" the approach as contemplated by FAR 61.57(c) because you were not the sole manipulator of the controls during the approach.

Lastly, you present the following scenario: under a Part 121 operation the air carrier has designated a pilot and a copilot as required by FAR 121.385(c). The pilot is the authorized PIC and the copilot is the authorized SIC. The PIC is also the company check airman. During the course of the flight, the SIC is the sole manipulator of the controls for the flight. Additionally, he has passed the competency checks required for Part 121 operations, at least as SIC. You ask whether the SIC can log PIC time for that portion of the flight in which he is the sole manipulator of the controls for the flight. The answer is yes.

There is a distinction between **acting** as pilot in command and **logging** of pilot in command time. "Pilot in command," as defined in FAR 1.1, "means the pilot responsible for the operation and safety of an aircraft during flight time." FAR 61.51(e) is a flight-time logging regulation, which only regulates the recording of PIC time used to meet the requirements toward a higher certificate, higher rating, or for recent flight experience:

(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_ (ii) Is the sole occupant of the aircraft: or (iii) Except for a recreational pilot is acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted.

(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.

While it is not possible for two pilots to **act** as PIC simultaneously, it is possible for two pilots to **log** PIC flight time simultaneously. If the pilot is designated as PIC by the certificate holder, as required by FAR 121.385(c), that person is PIC for the entire flight, no matter who is actually manipulating the controls of the aircraft, because that pilot is responsible for the safety and operation of the aircraft. The pilot who is the sole manipulator of the controls of the aircraft for which the pilot is rated may also log that flight as PIC.

It is important to remember that we are dealing with **logging** of flight time only for purposes of FAR 61.51, where you are keeping a record to show recent flight experience or to show that you meet the requirements for a higher rating. Your question does not say if the SIC is fully qualified as a PIC, or only as an SIC. This is important because even though an SIC can **log** PIC time, that pilot may not be qualified to serve as PIC under Part 121.

I hope this satisfactorily answers your questions. If we can be of further assistance, please contact us.

D. Brent Pope
Attorney, ANM-7H



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Keith E. Walker
14161 S.W. 167th Street
Archer, Florida 32618

DEC 14 2011

Dear Mr. Walker,

This responds to your request for a legal interpretation dated August 11, 2011. Your letter requests clarification concerning the logging of pilot-in-command (PIC) time under 14 CFR 61.51(e).

Your letter presents a scenario in which Pilot A and Pilot B both hold airplane single engine land private pilot certificates. Pilots A and B fly a cross-country trip together during instrument meteorological conditions (IMC) under an IFR flight plan filed by Pilot A, who also holds an instrument rating. Pilot B is not instrument rated. (The FAA assumes in this interpretation Pilots A and B are flying an airplane type certificated for only one required pilot flight crewmember, and also that Pilot A is instrument current with respect to § 61.57 (c)). Pilot A is required to and does act as the actual PIC for the entire flight. For a half-hour leg of the flight during IMC, Pilot B is the sole manipulator of the controls. You ask whether Pilot B can log actual instrument and PIC flight time for the portion of the flight during which Pilot B was the sole manipulator of the controls.

The FAA has partially answered this question in a previous legal interpretation. The Legal Interpretation to John Speranza (Dec. 4, 2009) states in pertinent part:

The FAA previously has stated the term "rated," as used in § 61.51(e), refers to the pilot holding the appropriate aircraft ratings (category, class, and type, if a type rating is required), and these ratings are listed in 14 C.F.R. § 61.5 and are placed on the pilot certificate. *See* Legal Interpretation to Jason E. Herman (May 21, 2009); Legal Interpretation to James R. Knight II (June 3, 1999). As correctly noted in your letter, for the purpose of logging PIC time under § 61.51(e), a pilot must hold ratings for the aircraft rather than for the conditions of flight.

Accordingly, Pilot B may log PIC time for the portion of the flight during which Pilot B was the sole manipulator of the controls.¹

Thus, Pilot B can log PIC flight time for the portion of the flight during which Pilot B was the sole manipulator of the controls even though pilot B does not hold an instrument rating.

In addition, Pilot B can log actual instrument time for the portion of the flight during which Pilot B was the sole manipulator of the controls. Section 61.51(g)(1) states: "A person may log instrument time only for that flight time when the person operates the

¹ A copy of the 2009 Speranza Interpretation has been attached to this memorandum.

aircraft solely by reference to instruments under actual or simulated flight conditions.” In the scenario you provided, Pilot B is the sole manipulator of the controls for a half-hour leg of the flight during actual IMC flight conditions and was operating the aircraft solely by reference to instruments. Therefore, Pilot B can log actual instrument time for that half-hour leg.

It is appropriate to address in this interpretation the logging of flight time by Pilot A, which was also addressed in the 2009 Speranza Interpretation. The Speranza Interpretation states in pertinent part:

However, Pilot A may not log PIC time for the portion of the flight during which Pilot B is the sole manipulator of the controls, and is logging PIC time, because there is no provision for this logging in § 61.51(e). Section 61.51(e)(1)(iii) allows the pilot acting as PIC to log PIC time only if more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted, and only one pilot is required for the flight in your example. Although Pilot B properly may log PIC time for a portion of the flight as discussed previously, Pilot B could not act as PIC and was not a required flight crewmember for any portion of the flight under the aircraft’s type certificate or the regulations under which the flight was conducted.

The FAA notes that you describe Pilot A in your request for interpretation as both the acting (actual) PIC and an “appropriately rated safety pilot.” Your characterization of Pilot A as a safety pilot is not accurate in this scenario. A safety pilot is a pilot who occupies a control seat in an aircraft during simulated instrument flight, and who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown. See 14 CFR § 91.109(b)(1). In the scenario you provided, Pilots A and B are flying in actual IMC conditions, not simulated instrument flight conditions, and the aircraft operation is not one for which “more than one pilot is required under . . . the regulations under which the flight is conducted.” Speranza Interpretation (Dec. 4, 2009). Therefore, Pilot A is not acting as a safety pilot and, as was the case in the Speranza Interpretation, being the PIC in this context is not a basis for Pilot A to log flight time under § 61.51 for the portion of the flight being logged by Pilot B as PIC flight time while the sole manipulator of the controls.

I hope this information has been helpful. This response was coordinated with Flight Standards Service, General Aviation and Commercial Division. If you have further questions concerning this response, please contact Sabrina Jawed on my staff at 202-267-3073.

Sincerely,



Rebecca MacPherson
Assistant Chief Counsel for Regulations, AGC-200



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OCT 17 2009

Randy Haralson
1136 Von Trina Drive
Elberton, GA 30635

Dear Mr. Haralson:

This letter responds to the request for a legal interpretation that you mailed to this office on May 27, 2009. Your letter seeks clarification concerning the aeronautical experience requirements for an instrument rating under 14 C.F.R. § 61.65(d). Specifically, you have asked whether an applicant for an instrument flight test may satisfy the required “50 hours of cross-country flight time as pilot in command” by crediting flight time with an instructor in actual instrument conditions during which time the applicant was the sole manipulator of the controls. The answer is yes.

Subsection 61.51(e) permits a pilot to log pilot-in-command time during the time that he or she is “the sole manipulator of the controls of an aircraft for which the pilot is rated[.]” As you note, there is a distinction between logging pilot-in-command time for the purpose of meeting aeronautical experience requirements and acting as pilot in command for the purpose of determining who has final authority and responsibility for the operation and safety of the flight.

Subsection 61.65(d), which governs the aeronautical experience requirements for an instrument-airplane rating, directs that an applicant for such rating “must have logged . . . [a]t least 50 hours of cross-country flight time as pilot in command, of which 10 hours must have been in an airplane[.]” You suggest that, because the language in § 61.65(d)(1) requires logging “cross-country flight time as pilot in command” rather than logging “pilot-in-command flight time,” a non-instrument-rated pilot operating an aircraft with an instructor in actual instrument conditions may not use this time to satisfy the cross-country flight time requirement even though he is the sole manipulator of the controls. In support, you cite § 61.3(e), which provides that no person may “act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR flight” unless, among other things, that person holds the appropriate instrument rating for the airplane being flown.

Although § 61.65(d)(1) refers to logging time “as pilot in command” rather than the more frequently referenced logging “pilot-in-command time,” the fundamental purpose of the subsection is to set forth the requisite aeronautical experience for obtaining an instrument rating rather than establishing legal responsibility for the operation of a flight. Assuming that the required criteria for a valid cross-country flight exist and the pilot in question holds the appropriate aircraft rating, the applicant for an instrument flight test may satisfy the required “50 hours of cross-country flight time as pilot in command” by crediting flight time

with an instructor in actual instrument conditions during which time the applicant was the sole manipulator of the controls. This position is consistent with an earlier interpretation, wherein we indicated that the requirements of § 61.65(d)(1) and (d)(2) – 40 hours of actual or simulated instrument time – may be accrued concurrently.

This response was prepared by Anne Moore, an Attorney in the Regulations Division of the Office of the Chief Counsel and coordinated with the Certification and General Aviation Operations Branch 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 "Rebecca B. MacPherson", with a long horizontal flourish extending to the right.

Rebecca B. MacPherson
Assistant Chief Counsel, Regulations Division