



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

Office of the Chief Counsel

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

JUL 28 2015

Mr. Peter H. Asp
W1341 County Road B
Sullivan, WI 53178

Dear Mr. Asp:

This is in response to your letter of August 4, 2014, requesting a legal interpretation of 14 Code of Federal Regulations § 61.129(h)(4), as it pertains to counting training time towards a commercial pilot certificate with a balloon rating. This letter corrects the letter of interpretation dated May 12, 2015, and strikes that letter from the Federal Aviation Administration database.

Section 61.129(h) specifies the aeronautical experience required for a commercial pilot certificate with a balloon rating. While this provision does not specify the timeframe that training toward a commercial pilot certificate may begin to be logged, § 61.123 stipulates the eligibility requirements to apply for a commercial pilot certificate including the requirement to hold at least a private pilot certificate.

An applicant's eligibility for a commercial pilot certificate is assessed on the date the person applies for the practical test, not the date that the pilot begins training for that certificate. As such, a pilot is permitted to log training time towards a commercial pilot certificate prior to obtaining a private pilot certificate. An applicant for a commercial pilot certificate must satisfy the aeronautical experience requirements of § 61.129 and be trained and evaluated at the commercial pilot level when training for the commercial pilot certificate. See Legal Interpretation to Richard Theriault, October 8, 2010.

You also asked if a person can take a knowledge test for a commercial pilot certificate before earning his private pilot certificate. Any person may take the commercial knowledge test at any time, but the test results are only valid for 24 months, in accordance with § 61.39(a)(1). In your letter, you pointed out a contradiction between the language in § 61.129(h)(4) and the language of § 61.129(h)(4)(ii)(B). Section 61.129(h)(4) requires, "10 hours of flight training that includes at least 10 training flights with an authorized instructor in balloons...on the areas of operation listed in part 61.127(b)(8) of this part." In § 61.129(h)(4)(ii)(B), a person applying for a commercial pilot certificate with a lighter-than-air category and a balloon class rating must log, "Two solo flights in a balloon with an airborne heater on the appropriate areas of operation." You are correct that these two paragraphs appear to be contradictory. However, the intent of the regulation is that the two solo flights can be part of the 10 hours of flight training, but not the 10 flights conducted with an authorized instructor. We have forwarded this issue to the General

Aviation and Commercial Division of the Flight Standards Service (AFS-800) for consideration of action to clarify this regulation.

I hope that this response has been helpful to you. If you have additional questions or require more information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorelei Peter".

Lorelei Peter
Acting Assistant Chief Counsel for Regulations