



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

Office of the Chief Counsel

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

August 11, 2011

Mr. Mike Sun  
18225 Kingsdale Ave., #213  
Redondo Beach, CA 90278

Dear Mr. Sun:

This is in response to your letter seeking clarification of 14 C.F.R. §61.129 – Aeronautical Experience, in particular whether a student pilot training for a commercial pilot certificate can combine a night cross country flight with instrument training.

In your letter you presented the facts as follows; a student training for a commercial helicopter pilot certificate wants to conduct a 2 hour night cross country flight under IFR rules and use the time to satisfy the night cross country flight requirement under §61.129(c)(3)(iii) and, in part, the 5 hours of flight solely by reference to instruments requirement under §61.129(c)(3)(i). In other words, the person receiving training wants to have the 2 hours of night cross country flight time also count as 2 hours of instrument flight time.

Prior to the publication of the August 21, 2009 final rule amending Parts 61, 91, and 141 (74 Fed. Reg. 161, p. 42499), cross-country flights, both day and night under §61.129(c)(3)(ii) and (iii), had to be done under VFR rules. However, the August 2009 final rule removed the reference to VFR in §61.129(c)(3)(ii) and (iii), as well as other sections of §61.129. The preamble to the August 2009 final rule (74 Fed. Reg. 161, p. 42532) explains that the final rule revises §61.129, “to allow the required cross country training flights for commercial pilot certification to be performed under VFR or IFR.” The preamble to the final rule goes on to say that, despite the removal of the requirement for day and night cross country flights to be performed under VFR, “the determination of whether the cross country training is performed under VFR or IFR is best left to the needs of the applicant and the instructor’s discretion.”

We hope that this response has been helpful. Please do not hesitate to contact my staff at (202) 267-3073 if you have additional questions. This response has been prepared by Neal O'Hara, an Attorney in the Regulations Division, 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 black ink, appearing to read "Rebecca B. MacPherson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rebecca B. MacPherson  
Assistant Chief Counsel for Regulations