



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Chief Counsel

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

SEP - 8 2009

Terrence K. Keller Jr.
16 Patricia Court
Gales Ferry, CT 06335

This responds to your April 17, 2009, request for a legal interpretation. In your letter you requested clarification of 14 CFR 61.109(a)(5)(ii), the solo cross-country aeronautical experience requirement for an individual applying for a private pilot certificate with an airplane category and single-engine class rating, in relation to the definition of "cross country time" in 14 CFR 61.1(b)(3)(ii)(B).

The definition of cross country time in 14 CFR 61.1(b)(3) provides, in pertinent part, that cross country time for the purpose of meeting the aeronautical experience requirements for a private pilot certificate means time acquired during a flight 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." [61.1(b)(3)(ii)(B)]

The aeronautical experience requirement in 14 CFR 61.109(a)(5)(ii) provides, in pertinent part, that training must include at least 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 take off and landing locations." [61.109(a)(5)(ii)]

You provide the following fact pattern to frame your questions a pilot in an appropriate aircraft departs the original point of departure for the flight (Airport #1) and flies due north 40nm and lands at Airport #2. The pilot then flies to airport #3 that is 80nm due south of Airport #2, passing over Airport #1. Finally, the pilot departs Airport #3 and flies 40 miles due north back to Airport #1. The total flight distance was 160nm, one segment was greater than 50nm, and the pilot made a full-stop landing at each of the three airports. The flight was conducted in an appropriate aircraft and involved the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate.

You first ask whether a cross country flight undertaken to meet the requirements of 61.109(a)(5)(ii) must meet the definition of a cross country flight under 61.1(b)(3). The answer is yes. All cross country flight time used to meet the aeronautical experience requirements for a private pilot certificate must meet the definition in 61.1(b)(3).

You then ask whether the flight described above would meet the requirements of 61.109(a)(5)(ii). The answer is no. This is because there was no landing at a point more than 50 nautical miles from the original point of departure.

Finally, you ask whether there is a definition of "original point of departure" in the current regulations of the FAA. The answer is no, the phrase is not specifically defined. In the situation presented in your letter, Airport #1 is identified as the original point of departure. To the extent that the flight scenario you presented is being evaluated for compliance with the solo cross country requirements of 109.3(a)(5)(ii), Airport #1 must be viewed as the original point of departure to meet the total distance and three points of landing aspects of the rule provision.

This response was prepared by Michael E. Chase, Manager of the Air Traffic and Airmen/Airport Certification Law Branch in the Regulations Division of the Office of Chief Counsel, and coordinated with the General Aviation Division of Flight Standards Service. 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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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