



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

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUL 24 2012

William F. Trussell

Dear Mr. Trussell:

This letter responds to your request for a legal interpretation that was faxed to my office on January 12, 2012. Specifically, you have asked several questions pertaining to logging pilot in command (PIC) time and distribution of expenses when a safety pilot is present.

You provide the following scenario. Two pilots, A and B, are planning a local VFR flight under part 91 operating rules for the purpose of Pilot A satisfying instrument time¹ or instrument currency requirements. Pilot A secured the plane, and Pilot B agreed to serve as a safety pilot during the portion of the flight that requires a safety pilot. Both pilots hold private pilot certificates and are qualified to act as PIC. We assume for purposes of this legal interpretation that the airplane is type certificated for one pilot crewmember, and that the flight is being made with no additional persons on board (i.e., only Pilots A and B).

Question # 1: In the event that Pilot A elects to fulfill the role of both PIC and sole manipulator of the controls during the simulated instrument portion of the flight what, if any, capability to log the duration of the time served as safety pilot is Pilot B afforded under the rules?

Question #2: If Pilot B is afforded the option to log flight time, how is it to be logged? Specifically, is it logged as PIC as a required crew member or as Second-in command under the same provision?

Question #3: If pilot B is afforded the option of logging the time as PIC, what obligation does Pilot B have in sharing the expenses of the flight, if any, while serving as safety pilot?

If Pilot A acts as PIC and is the sole manipulator of the controls during the simulated instrument portion of the flight, then Pilot B may log that time as SIC time because Pilot B holds the appropriate category and class ratings for the aircraft being flown and more than one pilot is required under the regulations under which the flight is being conducted. 14 C.F.R. § 61.51(f). Section 91.109(b) prohibits a pilot from operating a civil aircraft in simulated instrument flight unless a safety pilot is present. As such, Pilot B is a required

¹ You have indicated in your letter that Pilot A is satisfying instrument training requirements. Because a flight instructor must be present when instrument flight training is conducted, we have characterized Pilot A's purpose for the flight as accomplishing instrument time and instrument currency requirements rather than instrument training. See Legal Interpretation to Taylor Grayson, July 6, 2010.

crewmember only when Pilot A is operating the aircraft in simulated instrument conditions. Because you have indicated that Pilot A is acting as PIC during the simulated instrument portion of the flight, Pilot B has no basis for logging PIC time under § 61.51(e).

Question #4: If Pilot B agrees to act as PIC for the simulated instrument portion of the flight while not acting as the sole manipulator of the controls, what obligation does Pilot B have in sharing of the expenses of the flight, if any? Also, can you confirm that Pilot A may still log the time while sole manipulator of the controls if Pilot B is acting?

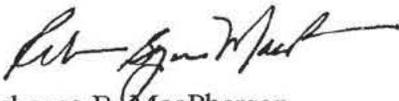
Question #5: Under current rules and interpretations, does Pilot B have any right of ability to log the flight time as PIC without sharing the expense of the flight through monetary contribution to the venture?

If Pilot B agrees to act as PIC for the simulated instrument portion of the flight, then Pilot B may log that time as PIC time under § 61.51(e)(1)(iii) because he is acting as PIC of an aircraft for which more than one pilot is required under the regulation under which the flight is being conducted. Pilot A may also log the time as PIC time under § 61.51(e)(1)(i) as the sole manipulator of the controls of an aircraft for which the pilot is rated.

We assume that your question regarding Pilot B's obligation to share expenses for the flight relates to § 61.113 which sets forth the privileges and limitations of a private pilot certificate. Under that section, a private pilot acting as pilot in command "may not pay less than the pro rata share of the operating expenses of a flight with passengers[.]" 14 C.F.R. § 61.113(c). During the portion of the flight that is conducted in simulated instrument conditions, Pilot A and Pilot B are required crewmembers. As such, if Pilot B acts as pilot in command only during the portion of the flight that is conducted in simulated instrument conditions, Pilot B is not required to pay a pro rata share of the operating expenses of the flight under § 61.113(c) because he is not acting as PIC on a flight carrying passengers.

This response was prepared by Anne Moore, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Certification and General Aviation Operations Branch of Flight Standards Service. If you have any 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
