



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