



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

Office of the Chief Counsel

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

Keith E. Walker  
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Archer, Florida 32618

DEC 14 2011

Dear Mr. Walker,

This responds to your request for a legal interpretation dated August 11, 2011. Your letter requests clarification concerning the logging of pilot-in-command (PIC) time under 14 CFR 61.51(e).

Your letter presents a scenario in which Pilot A and Pilot B both hold airplane single engine land private pilot certificates. Pilots A and B fly a cross-country trip together during instrument meteorological conditions (IMC) under an IFR flight plan filed by Pilot A, who also holds an instrument rating. Pilot B is not instrument rated. (The FAA assumes in this interpretation Pilots A and B are flying an airplane type certificated for only one required pilot flight crewmember, and also that Pilot A is instrument current with respect to § 61.57 (c)). Pilot A is required to and does act as the actual PIC for the entire flight. For a half-hour leg of the flight during IMC, Pilot B is the sole manipulator of the controls. You ask whether Pilot B can log actual instrument and PIC flight time for the portion of the flight during which Pilot B was the sole manipulator of the controls.

The FAA has partially answered this question in a previous legal interpretation. The Legal Interpretation to John Speranza (Dec. 4, 2009) states in pertinent part:

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.<sup>1</sup>

Thus, Pilot B can log PIC flight time for the portion of the flight during which Pilot B was the sole manipulator of the controls even though pilot B does not hold an instrument rating.

In addition, Pilot B can log actual instrument time for the portion of the flight during which Pilot B was the sole manipulator of the controls. Section 61.51(g)(1) states: “A person may log instrument time only for that flight time when the person operates the

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<sup>1</sup> A copy of the 2009 Speranza Interpretation has been attached to this memorandum.

aircraft solely by reference to instruments under actual or simulated flight conditions.” In the scenario you provided, Pilot B is the sole manipulator of the controls for a half-hour leg of the flight during actual IMC flight conditions and was operating the aircraft solely by reference to instruments. Therefore, Pilot B can log actual instrument time for that half-hour leg.

It is appropriate to address in this interpretation the logging of flight time by Pilot A, which was also addressed in the 2009 Speranza Interpretation. The Speranza Interpretation states in pertinent part:

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.

The FAA notes that you describe Pilot A in your request for interpretation as both the acting (actual) PIC and an “appropriately rated safety pilot.” Your characterization of Pilot A as a safety pilot is not accurate in this scenario. A safety pilot is a pilot who occupies a control seat in an aircraft during simulated instrument flight, and who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown. *See* 14 CFR § 91.109(b)(1). In the scenario you provided, Pilots A and B are flying in actual IMC conditions, not simulated instrument flight conditions, and the aircraft operation is not one for which “more than one pilot is required under . . . the regulations under which the flight is conducted.” Speranza Interpretation (Dec. 4, 2009). Therefore, Pilot A is not acting as a safety pilot and, as was the case in the Speranza Interpretation, being the PIC in this context is not a basis for Pilot A to log flight time under § 61.51 for the portion of the flight being logged by Pilot B as PIC flight time while the sole manipulator of the controls.

I hope this information has been helpful. This response was coordinated with Flight Standards Service, General Aviation and Commercial Division. If you have further questions concerning this response, please contact Sabrina Jawed on my staff at 202-267-3073.

Sincerely,



Rebecca MacPherson  
Assistant Chief Counsel for Regulations, AGC-200