



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

Office of the Chief Counsel

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

**APR 21 2016**

Mr. William Grannis  


Re: Clarification of the Flight Time Requirement of 14 C.F.R. §61.129(a)(4)

Dear Mr. Grannis:

This is in response to your letter dated February 25, 2016 in which you requested a legal interpretation of Title 14, Code of Federal Regulations (14 C.F.R.) §61.129(a)(4). Specifically, you sought clarification as to whether under 14 C.F.R. §61.129(a)(4) it is permissible to log and combine solo flight time hours with flight time hours performing the duties of a pilot in command with an authorized instructor on board to total 10 hours. You also state that your question arises because there are two groups of CFIs, each group claiming a different interpretation; one group allows the combination of hours and the other does not.

Section 61.129(a)(4) provides, in pertinent part, that a person who applies for a commercial pilot certificate with an airplane category and single-engine class rating must log at least 250 hours of flight time as a pilot that consist of at least ten hours of solo flight time in a single engine airplane or 10 hours of flight time performing the duties of pilot in command in a single engine airplane with an authorized instructor on board.

The language of the requirement in §61.129(a)(4) is clear that a pilot must choose either to log the 10 hours as solo flight time or log the 10 hours as flight time performing the duties of pilot in command with an authorized instructor on board. In the case of §61.129(a)(4) neither the preamble nor the rule introduced language indicating that logging a combination of hours is acceptable to satisfy this requirement. Where the FAA has found that a combination of alternatives stated in the rule is acceptable to achieve the required number of hours, it has specifically included alternative language in the rule such as “or any combination thereof” (see e.g. 14 C.F.R. 61.161(a)(3), (4); 61.159(a)(5)). Therefore, given the clarity of the language §61.129(a)(4) and the absence of language in the rule allowing for logging a combination of hours, a pilot must choose to log all ten hours as solo flight time in a single engine airplane or, in the alternative, log all ten hours performing the duties of a pilot in command in a single engine airplane with an authorized instructor on board. A combination of hours is not permissible under the rule.

This response was prepared by Melissa Crain, an attorney in the Regulations Division of the Office of the Chief Counsel and coordinated with the General Aviation and Commercial Division of the Flight Standards Service. If you have any additional questions regarding this matter, please contact my office at (202) 267-3073.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorelei Peter".

Lorelei Peter  
Assistant Chief Counsel for Regulations

U.S. Department of Transportation  
Federal Aviation Administration  
Office of Chief Counsel  
800 Independence Ave., S.W.  
Washington, D.C. 20591

February 25, 2016

Dear Counsel:

This letter requests interpretation of 14 C.F.R. § 61.129(a)(4) Ten hours of solo flight time in a single engine airplane OR 10 hours of flight time performing the duties of pilot in command with an authorized instructor on board .... The word OR, is my emphasis. I am seeking the correct interpretation.

As I read the syntax establishing this requirement, the FAA appears to be applying the exclusive "OR" to mean one is allowed to choose 10 hours solo OR alternatively, 10 hours flight time with an authorized instructor on board, but not a combination or mix of the two, e.g., six hours solo and four hours with an authorized instructor. I presume that the elliptical construction of not using "either" as the lead word is purposeful to ensure the word "OR" connotes mutually exclusive requirements. Otherwise, I would expect that if a combination of the two alternatives were intended, then some additional wording such as "or a combination of ... to total 10 hours." I base this assertion on the General Counsel's statement in Olshock-Panam3 interpretation dated March 16, 2007: "The requirements of section § 61.129(a)(4) may be met either by "Ten hours of solo flight time" or "10 hours flight time performing the duties of pilot in command ... with an authorized instructor" ..."

There are two groups of CFIs, each group claiming a different interpretation, due in part to the confusion caused by the construction of the sentence, i.e., does "OR" connote exclusive "OR" or the inclusive and combinational "OR."

One group requires the student to complete and log all 10 hours solo OR to complete and log all 10 hours of flight time performing the duties of pilot in command with an authorized instructor on board. No ability to combine the two alternative requirements to total 10 hours.

The other group asserts that it is proper to log and permissible to combine solo hours with the flight time hours performing the duties of pilot in command with an authorized instructor on board to total 10 hours. If this interpretation is incorrect, then the concern is substantial and material in the student meeting properly the required aeronautical experience for the pilot certificate. On the other hand, if the alternate interpretation is correct, then the conflict in interpretation is moot.

Respectfully,

  
William W. Grannis

Certificated Flight Instructor

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[REDACTED]  
[REDACTED]  
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