



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

Office of the Chief Counsel

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

**JUN 30 2016**

Joseph S. Jablecki, Ph.D  
[REDACTED]  
[REDACTED]

Re: Clarification of the flight instructor certificate requirements for 14 CFR  
§ 61.129(c)(3)(i)

Dear Dr. Jablecki:

This is in response to your e-mail dated March 10, 2016 in which you requested a legal interpretation of the flight instructor certificate requirements for a CFI providing the training required by 14 CFR § 61.129(c)(3)(i). Specifically, you ask “[i]s the Helicopter CFI providing the five hours of training on the control and maneuvering of a helicopter solely by reference to instruments . . . Required to have an instrument rating on his/her flight instructor certificate?”

Section 61.129(c)(3)(i) of Title 14 of the Code of Federal Regulations (14 CFR) provides, in relevant part, that a person who applies for a commercial pilot certificate with a rotorcraft category and helicopter class rating must log as least 150 hours of flight time as a pilot that consists of at least

(3) 20 hours of training on areas of operation listed in § 61.127(b)(3) of this part that includes at least—

(i) Five hours on the control and maneuvering of a helicopter solely by reference to instruments using a view-limiting device including attitude instrument flying, partial panel skills, recovery from unusual flight attitudes, and intercepting and tracking navigational systems. This aeronautical experience may be performed in an aircraft, flight simulator, flight training device or an aviation training device.

Section 61.195(c), which became effective on October 21, 2009, addresses instructor limitations and qualifications with respect to instrument ratings. It provides as follows:

[a] flight instructor who provides *instrument training* for the issuance of an instrument rating, a type rating not limited to VFR, or the *instrument training* required for commercial pilot and airline transport pilot certificates must hold an instrument rating on his or her pilot certificate

and flight instructor certificate that is appropriate to the category and class of aircraft used for the training provided.  
(emphasis added).

In order to provide instrument training for a commercial pilot certificate or ATP certificate, a flight instructor must have an instrument rating on his or her flight instructor certificate. However, § 61.129(c)(3)(i), unlike its counterparts in § 61.129, does not have a requirement for “instrument training” as defined in 14 CFR § 61.1. Instead, § 61.129(c)(3)(i) requires training on the “control and maneuvering of a helicopter solely by reference to instruments.” Therefore, the training in § 61.129(c)(3)(i) is not considered “instrument training” that requires a certified flight instructor to have an instrument rating on his or her flight instructor certificate.

Furthermore, we have previously distinguished the requirements of § 61.195(c) from those qualifications required for instructors who provide flight training on “basic instrument maneuvers” and “control and maneuvering of an airplane solely by reference to instruments” for private pilot certification.<sup>1</sup> Flight instructors providing this type of flight training are not required to have an instrument rating on their flight instructor certificates. *See* Legal Interpretation to Taylor Grayson (Jan. 4, 2010). While the training under § 61.129(c)(3)(i) is flight training for commercial pilot certification, not private pilot certification, the type of training, i.e. training for the “control and maneuvering . . . solely by reference to instruments,” does not require an instrument rating on flight instructor certificate.<sup>2</sup>

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,



Lorelei Peter  
Assistant Chief Counsel for Regulations

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<sup>1</sup> 14 CFR § 61.107; 14 CFR § 61.109

<sup>2</sup> In prior revisions to part 61 the FAA has recognized the difficulties and impracticalities of instrument training in helicopters. In the 1997 revision to the Pilot, Flight Instructor, Ground Instructor and Pilot School Certification Rules, (62 FR 16220, April 4, 1997), the FAA concurred with comments that instrument training may be impractical in helicopters and removed the category and class-specific references to the instrument training requirements for helicopters in § 61.129. 62 FR 16220, 16269. The 1997 Final Rule required “10 hours of instrument training in an aircraft.” Section 61.129(c)(3)(i) was revised again in the 2009 Final Rule (74 FR 42500 (Aug. 21, 2009) to reduce the hours of training required to 5 and at that time also revised the language to “control and maneuvering of a helicopter solely by reference to instruments . . . .”





**From:** Joseph Jablecki [REDACTED]  
**Sent:** Thursday, March 10, 2016 3:31 PM  
**To:** Peter, Lorelei (FAA)  
**Subject:** Legal Opinion

Greetings:

You recently (24 Feb, 2016) published a letter written to Scott Rohlfing in which you rendered the legal opinion:

Flight instructors who provide flight training on the "control and maneuvering of an airplane solely by reference to the instruments" in § 61.109 are not required to have an instrument rating on their flight instructor certificate. See Legal Interpretation to Taylor Grayson (Jan. 4, 2010). Therefore, the 3 hours of flight training on "the control and maneuvering of an airplane solely by reference to instruments" in § 61.109(a)(3) may be applied toward the 40 hours of actual or simulated instrument time under § 61.65(d)(2), but may not be applied toward the 15 hours of instrument training unless the flight instructor who provided the flight training under § 61.109(a)(3) held an instrument rating on his or her flight instructor certificate and otherwise meets the requirements of § 61.65.

We have a similar question as did Scott and we would greatly appreciate your legal opinion. 14 CFR 61.129 (c) 3 (i) states:

(i) Five hours on the control and maneuvering of a helicopter solely by reference to instruments using a view-limiting device including attitude instrument flying, partial panel skills, recovery from unusual flight attitudes, and intercepting and tracking navigational systems. This aeronautical experience may be performed in an aircraft, flight simulator, flight training device, or an aviation training device;

The Question to Answer is: Is the Helicopter CFI providing the five hours of training on the control and maneuvering of a helicopter solely by reference to instruments . . . Required to have an instrument rating on his/her flight instructor certificate?

*Joe*

Joseph S. Jablecki, PhD  
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