



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

FEB -4 2013  
B. Dan Crowe  
Palm Beach Helicopters  
2615 Lantana Rd.  
Lantana, FL 33462

Dear Mr. Crowe:

This letter responds to your request for legal interpretation dated September 26, 2012. You have indicated that you currently hold a commercial pilot certificate with an airplane category single engine land rating. You have asked several questions pertaining to adding a rotorcraft category helicopter class rating to your commercial pilot certificate.

A person who adds a category rating to a pilot certificate must, among other things, complete the training and the applicable aeronautical experience for the category of aircraft. 14 C.F.R. § 61.63(b)(1). To apply for a rotorcraft category helicopter class rating at the commercial pilot certificate level, a pilot must accomplish 100 hours of pilot-in-command flight time, which includes at least 35 hours in helicopters. 14 C.F.R. § 61.129(c)(2). The pilot must also complete 10 hours of solo flight time in a helicopter or 10 hours of flight time performing the duties of pilot in command in a helicopter with an authorized instructor on board. 14 C.F.R. § 61.129(c)(4). Section 61.129(c)(4) states that a pilot may credit the 10 hours of solo flight time or 10 hours of flight time performing the duties of pilot in command with an authorized instructor on board toward the pilot in command flight time required by § 61.129(c)(2).

You have asked the following questions:

**May the applicant credit more than 10 hours of time spent performing the duties of pilot in command with an instructor on board toward the PIC requirements of § 61.129(c)(2)? May the applicant log as PIC time that time spent performing the duties of pilot in command with an instructor on board in accordance with § 61.51?**

Section 61.129(c)(4) permits a pilot to credit a maximum of 10 hours of flight time performing the duties of pilot in command with an instructor on board toward the pilot-in-command flight time required by § 61.129(c)(2). As such, the remaining 25 hours of pilot-in-command flight time in helicopters required by § 61.129(c)(2) must meet the pilot-in-command logging requirements in § 61.51(e).

Under § 61.51(e)(1), a pilot may log pilot-in-command flight time when the pilot (i) is the sole manipulator of the controls of an aircraft for which the pilot is rated (category, class, and type rating, if appropriate), (ii) is the sole occupant of an aircraft, or (iii) 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.<sup>1</sup> Additionally, in 2009, the FAA introduced another avenue through which a pilot could log pilot-in-command flight time. 74 FR 42500, Aug. 21, 2009. Section 61.51(e)(1)(iv) permits a pilot who holds a commercial pilot certificate or airline transport pilot certificate that is appropriate to category and class of aircraft to log pilot-in-command flight time while performing “the duties of pilot in command while under the supervision of a qualified pilot in command” if, among other things, the pilot is undergoing an approved PIC training program. Legal Interpretation to John Duncan (April 13, 2012).

Because you are adding a rotorcraft category helicopter class rating to a commercial pilot certificate without holding a rotorcraft category helicopter class rating at the private pilot certificate level, you are not able to log pilot-in-command flight time under § 61.51(e)(1)(i), (iii), or (iv) because those provisions require a pilot to be rated in the aircraft. Because you do not hold the appropriate category and class rating, the only provision under which you may log the remaining pilot-in-command flight time is as the sole occupant of the aircraft.

**Does the applicant need an endorsement under § 61.31 in order to perform the duties of pilot in command with an instructor on board in accordance with § 61.129(c)(4)?**

Under § 61.31(d), to act as the pilot in command of an aircraft, a person must: (1) hold the appropriate category, class, and type rating (if a class or type rating is required) for the aircraft to be flown; or (2) have received training required by part 61 that is appropriate to the pilot certification level, aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received an endorsement for solo flight in that aircraft from an authorized instructor.

A pilot who is “performing the duties of pilot in command” under the supervision of another pilot – in this case an authorized flight instructor – is not acting as pilot in command of the aircraft during solo flight and, therefore, does not need an endorsement under § 61.31(d). A pilot requires a § 61.31(d) endorsement only for the purpose of conducting solo flight in an aircraft for which the pilot is not rated.

**May an applicant who has been endorsed for solo flight under § 61.31 credit or log a portion of the flight training conducted in accordance with § 61.129(c)(3) as PIC time after receiving such an endorsement?**

Section 61.31(d) sets forth the requirements for acting as pilot in command of an aircraft. An endorsement for solo flight under that section does not alter the requirements for logging

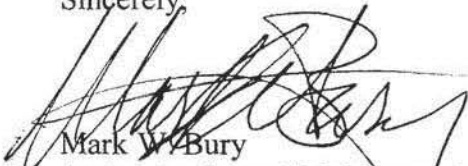
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<sup>1</sup> Under 14 C.F.R. § 1.1, a pilot in command must hold the appropriate category, class, and type rating for the conduct of the flight. Additionally, under § 61.31(d), to serve as pilot in command of an aircraft, a person must hold the appropriate category, class, and type rating (if required) for the aircraft to be flown unless conducting a solo flight under an instructor endorsement.

pilot-in-command flight time under § 61.51(e). As such, notwithstanding the 10 hours of flight time that may be credited under §61.129(c)(4), a pilot who holds a § 61.31(d) endorsement for solo flight may not log or credit flight training with an authorized instructor as pilot-in-command flight time because the pilot is neither rated in the aircraft nor the sole occupant of the aircraft.

This response was prepared by Anne Moore, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Airman Certification and Training 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,

A handwritten signature in black ink, appearing to read "Mark W. Bury", is written over a horizontal line.

Mark W. Bury  
Acting Assistant Chief Counsel for International Law,  
Legislation, and Regulations Division, AGC-200