



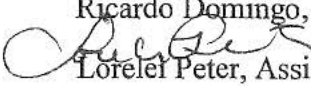
# FAA

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## Memorandum

Date: JUL 19 2018

To: Ricardo Domingo, Executive Director, Flight Standards Service, AFX-1

From:  Lorelei Peter, Assistant Chief Counsel for Regulations, AGC-200

Prepared by: Katie Patrick, Attorney (AGC-240)

Subject: Legal Interpretation Request: 14 CFR § 61.109(a)

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This memorandum is provided in response to your memorandum dated May 23, 2018, requesting a legal interpretation regarding 14 C.F.R. § 61.109(a). You are concerned that some industry training providers and designated pilot examiners are misinterpreting the requirements of § 61.109(a).

Section 61.109(a) contains the aeronautical experience requirements for a person seeking a private pilot certificate with an airplane category single-engine class rating. Under § 61.109(a), a person must obtain at least 40 hours of flight time that includes at least 20 hours of flight training from an authorized instructor and 10 hours of solo flight training in the areas of operation listed in § 61.107(b)(1). Additionally, the training must include the hours of flight training specified in § 61.109(a)(1) through (5).

In your memorandum, you asked whether the 20 hours of flight training from an authorized instructor must occur in a single-engine airplane and include flight training in the areas of operation listed in § 61.107(b)(1). You also asked whether the 20 hours of flight training must include the flight training specified in § 61.109(a)(1) through (5).

Section 61.109(a) does not require the 40 hours of total flight time to be conducted in the category and class of aircraft for which the rating is sought (i.e., in a single-engine airplane). However, § 61.109(a) expressly requires the flight training specified in paragraphs (a)(1) through (5) to be conducted in a single-engine airplane. It is unclear from the face of the regulation, however, whether the 20 hours of flight training from an authorized instructor must be conducted in a single-engine airplane. Unlike § 61.109(a)(1) through (5), § 61.109(a) does not expressly require the 20 hours of flight training from an authorized instructor to be conducted in a single-engine airplane. Instead, § 61.109(a) requires "20 hours of flight training from an authorized instructor and 10 hours of solo flight training in the areas of operation listed in § 61.107(b)(1)." The FAA interprets this provision as requiring both the 20 hours of flight training from an

authorized instructor and the 10 hours of solo flight training to include the areas of operation listed in § 61.107(b)(1). Section 61.107(a) requires a person who applies for a private pilot certificate to receive and log ground and flight training from an authorized instructor on the areas of operation listed in § 61.107(b) that apply to the aircraft category and class rating sought. Section 61.109(b)(1) prescribes the areas of operation for an airplane category rating with a single-engine class rating. Because § 61.109(a) requires the 20 hours of flight training from an authorized instructor to cover the areas of operation prescribed in § 61.107(b)(1), the FAA interprets § 61.109(a) as requiring the 20 hours of flight training from an authorized instructor to be conducted in a single-engine airplane.<sup>1</sup>

In response to your second question, it is clear from the face of the regulation that the 20 hours of flight training from an authorized instructor and the 10 hours of solo flight training must include the flight training specified in § 61.109(a)(1) through (5). Section 61.109(a) requires 40 hours of total “flight time,” which must include 20 hours of “flight training” from an authorized instructor and 10 hours of solo “flight training.”<sup>2</sup> Therefore, the requirement in § 61.109(a) for the “training” to include the flight training specified in paragraphs (a)(1) through (5) refers to the 20 hours of “flight training” from an authorized instructor and the 10 hours of solo “flight training,” rather than the 40 hours of “flight time.” Accordingly, the 20 hours of flight training from an authorized instructor must include the training specified in paragraphs (a)(1) through (4). The 10 hours of solo flight training must include the solo flight time specified in paragraph (a)(5).

We appreciate your patience and trust that the above responds to your inquiry. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Katie Patrick, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Flight Standards Service.

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<sup>1</sup> This position is underscored by the reference to § 61.107(b) in § 61.103(f)(1). Section 61.103 contains the eligibility requirements for a person seeking a private pilot certificate. To be eligible for a private pilot certificate, § 61.103(f)(1) requires a person to receive flight training and a logbook endorsement from an authorized instructor who conducted the training in the areas of operation listed in § 61.107(b) that apply to the aircraft rating sought.

<sup>2</sup> The FAA notes that § 61.109(a) improperly uses the term “solo flight training.” Section 61.1 defines flight training as training, other than ground training, received from an authorized instructor in flight in an aircraft. Accordingly, when a person conducts a solo flight, that person is not completing “flight training” because there is no authorized instructor providing training during the flight. Section 61.109(a)(5) more accurately describes this flight time as “solo flight time.”



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## Memorandum

Date: MAY 23 2018

To: Lorelei Peter, Assistant Chief Counsel for Regulations, AGC-200

From: John S. Duncan, Executive Director, Flight Standards Service, AFX-1

Prepared by: Bradley Palmer, Manager, General Aviation and Commercial Division, AFS-800

Subject: Legal Interpretation Request: 14 CFR §61.109(a)

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It has come to our attention that the requirements of Title 14, Code of Federal Regulations (14 CFR) §61.109(a) are being misinterpreted by some industry training providers and designated pilot examiners.

The question presented to us was "A person, who holds a commercial pilot certificate with a rotorcraft rating, wishes to add an airplane single engine land rating with private pilot privileges. What are the minimum training hours required by 14 CFR §61.109(a)?"

*14 CFR §61.109(a) For an airplane single-engine rating. Except as provided in paragraph (k) of this section, a person who applies for a private pilot certificate with an airplane category and single-engine class rating must log at least 40 hours of flight time that includes at least 20 hours of flight training from an authorized instructor and 10 hours of solo flight training in the areas of operation listed in §61.107(b)(1) of this part, and the training must include at least—...*

Considering the scenario presented to the General Aviation and Commercial Division, must the 20 hours of flight training from an authorized instructor occur in a single engine airplane and include flight training in the areas of operation in 14 CFR §61.107(b)(1) and 14 CFR §61.109(a)(1)-(5)?

The General Aviation and Commercial Division is requesting a legal interpretation from the Office of the Assistant Chief Counsel for Regulations.