

FREQUENTLY ASKED QUESTIONS

14 CFR, PART 61

ARRANGED BY SECTION

**THE SOURCE OF ANSWERS IS JOHN LYNCH, AFS-840
CERTIFICATION BRANCH, WASHINGTON, DC
UNLESS OTHERWISE NOTED**

**MAINTAINED BY THE PILOT EXAMINER
STANDARDIZATION TEAM, AFS-640
Contact: Allan Pinkston phone: (405) 954 - 6472
E-Mail: K.Allan.Pinkston@faa.gov**

**THE ORIGINAL "Q&A" REFERENCE IS NOTED
FOLLOWING EACH (GROUP OF) QUESTION (S)**

CHANGE NOTICE:

**REVISION DATE: DECEMBER 19, 2000
INCORPORATING Q&A #s: 404-412
WITH ALL PREVIOUS Q&As 1 - 403**

VERTICAL BAR IN LEFT MARGIN DENOTES CHANGES SINCE: 10/27/2000

**CHANGES HAVE BEEN MADE TO Part 61 sections: 61.3, 61.49, 61.56, 61.58, 61.71,
61.73, 61.75, 61.109, 61.153,**

TO UPDATE YOUR FAQs

**CURRENTLY: <http://afs600.faa.gov> Select: AFS-640; Then select: Designee Seminars;
Then select: DPE; Finally select: FAQ**

CHANGE EXPECTED IN FEBRUARY:

**<http://av-info.faa.gov> Select: "Designee Information" for dropdowns that
will include the "FAQ's"**

PART 61

61.1

QUESTION: Explain the meaning of the phrases:

- a. Does the meaning of "24 calendar months" mean two years, (e.g. January 15, 1997, to January 15, 1999)?
- b. Does the meaning of "24 calendar months" mean 24 unit months, (e.g. regardless of the day in January 1997, to January 31, 1999)?
- c. How to interpret the meaning of "within the preceding 24 months?"
- d. How to interpret the meaning of "24 months after or from?"

ANSWER: Ref. §61.19(b) and §61.58(g); Letter of legal interpretation from the FAA's Office of Chief Counsel addressing these questions are as follows:

Mr. Sean Conlin
Quality Assurance
Pan American Airways Corp.
14 Aviation Avenue
Portsmouth, NH 03801

Dear Mr. Conlin:

I am responding to your letter dated September 15, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding the meaning of "within the preceding 24 calendar months."

You state in your letter that two interpretations exist within the industry regarding the meaning of "24 calendar months." One interpretation is that it means two years, e.g. January 15, 1997, to January 15, 1999. The second interpretation is that it means 24 unit months, e.g. regardless of the day in January 1997, to January 31, 1999. You state that your local Flight Standards District Office (FSDO) believes the second interpretation, 24 unit months, to be correct. You ask this office to confirm this before you change your policy.

The term "24 calendar months" as used throughout the Federal Aviation Regulations (14 CFR) means 24 unit months. The term "24 months" means two years."

If you are required to comply with a regulation under 14 CFR "within the preceding 24 calendar months," you have from the beginning of the 24th calendar month of the month in which you are required to comply. For example, §91.411 (14 CFR §91.411) requires certain altimeter system and altitude reporting equipment tests and inspections to have

been accomplished "within the preceding 24 months" before a person may operate an airplane or helicopter in controlled airspace under IFR. Therefore, if you want to operate an airplane in controlled airspace under IFR on January 15, 2000, you must have, since January 1, 1998, met the requirements of §91.411(a).

If you are required to comply with a regulation under 14 CFR "24 calendar months after or from," you have until the end of the 24th month after the month in which the time began to run. For example, §61.19 (14 CFR §61.19) provides an expiration date for a student pilot certificate of 24 calendar months from the month in which the student pilot certificate is issued. Therefore, if you obtain a student pilot certificate on January 2, 2000, it expires on January 31, 2002.

Please note that an additional "grace calendar month" may be provided to a person for purposes of complying with a particular section under 14 CFR [e.g. 14 CFR §61.58(g)].

If you are required to comply with a regulation under 14 CFR "within the preceding 24 months" or "24 months after or from," you have from two years before the date you are required to comply or two years after the date the time began to run, respectively. For example, if a regulation under 14 CFR requires you to meet certain requirements "within the preceding 24 months" before you can operate an aircraft, then you must have accomplished the requirements with the two years before the date you want to operate the aircraft. Therefore, if you want to operate an aircraft on January 19, 2000, you would have to have met the requirements within the period of time starting on January 19, 1998.

I hope this satisfactorily answers your question.

Sincerely,

Donald P. Byrne, Assistant Chief Counsel, Regulation Division

{q&a-370}

61.3

QUESTION: I contacted Jeppesen and was told the CFI could use a copy of his certificate and a copy of the FAA form 8710-1 during the renewal process, and if questioned concerning this, to reply that his certificate was in the process of being renewed by Jeppesen. Will this work since FAR 61.3(d)(1) requires: "have that certificate in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that flight instructor certificate?"

ANSWER: Ref. §61.3(d)(1); Yes, a copy of his old CFI certificate and a copy of the completed FAA form 8710-1 during the processing period is acceptable. But the completed copy of the FAA form 8710-1 is not even necessary. This policy is allowed in the preamble, of the final rule correction document that was issued in the Federal Register on July 30, 1997, (62 FR 40888; Amdt. No. 61-103) which states: "with the phrase under paragraph (d) "other documentation acceptable to the Administrator" would permit a flight instructor to use a copy of the completed application for renewal to meet the requirements of that

paragraph. However, the FAA has determined that the latter document is not necessary. Therefore, a copy of a graduation certificate from a CFI refresher course, without the application for renewal, is acceptable documentation for the purpose of meeting the requirements of paragraph (d).”

{q&a-178}

61.13

QUESTION: Two CFI renewal files were returned to us because the “Airman Certificate and/or Rating Application” (FAA Form 8710-1) did not have the DOT emblem printed on the form. The application forms were printed using the FAA Approved Forms Flow Software. All the other information was correct in the renewal packages.

If Forms Flow Software is approved by the FAA and available on the AVR Web Site to use for renewal purposes and if all the information was correct on the application, except the DOT emblem is not printed on the form; then, would it be possible to waive the requirement of the DOT Emblem?

ANSWER: Ref. § 61.13(a); No, it is not possible to waive the requirement of the DOT emblem on the “Airman Certificate and/or Rating Application” (FAA Form 8710-1). I checked the Flight Standards Home page just now. The “Airman Certificate and/or Rating Application” (FAA Form 8710-1) is directly connected to AFS-650's forms page. The “Airman Certificate and/or Rating Application” (FAA Form 8710-1) does have the DOT seal on it. There was a period of time when the form flow application did not show the DOT seal. However, it has been corrected and Flight Standards Home page now has the official “Airman Certificate and/or Rating Application” (FAA Form 8710-1) corrected on its home page with the DOT seal. If you need updated form flow software, please contact AFS-650, (314)890-4847 and that office will be glad to help you.

There are several companies marketing their own application products and some of those applications do not meet the standards of our “Airman Certificate and/or Rating Application” (FAA Form 8710-1). We are rejecting these applications, in accordance with § 61.13(a) which requires “. . . must make that application on a form and in a manner acceptable to the Administrator.” The official “Airman Certificate and/or Rating Application” (FAA Form 8710-1) must have the DOT seal.

{q&a-397}

QUESTION 3: Part 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) all provide relief from the requirement to be able to read, speak, write, and understand English if the reason is medical. The regulatory provision permits the administrator to add operating limitations to the airman's pilot certificate. The way these provisions are written and with the lack of handbook guidelines on how the field inspector is to apply this "medical determination", the field inspector is required to make "medical determinations" that he may not be qualified to make. This concern could be solved with handbook information or even a handbook bulletin that would provide some guidance to the field inspector.

ANSWER 3: Ref. §61.13, §61.83(c), §61.96(b)(2), §61.103(c), §61.123(b), and §61.153(b); Medical limitations where it states “. . . If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft." Well, there is some degree of guidance in FAA Order 8700.1, Chapter 27. However, “. . . medical reasons . . .” can be a number of reasons. In placing “. . . such operating limitations on that applicant's pilot certificate as are necessary for the safe operation of the aircraft . . .” if the ASI needs guidance as to what operating limitations should be placed on the pilot certificate then the Regional Flight Surgeon’s office should be consulted for advice or with us here in AFS-840. However, we pay ASIs, not just for their piloting skills, but for their ability to exercise common sense. As for example, when testing an applicant with hearing impairments, COMMON SENSE would dictate that an operating limitation should be placed on the person's pilot certificate that it is not valid in airspace requiring radio communications. The pilot could only fly in such airspace with a qualified person acting as PIC on board to hear air traffic instructions. Or if the applicant has a missing leg(s), then COMMON SENSE would dictate that an operating limitation should be placed on the person's pilot certificate that requires the pilot to have the aircraft properly equipped and that specific manufacture's equipment should be identified on the pilot certificate. COMMON SENSE is a must in handling these situations.
{q&a-309}

QUESTION: FAA Inspectors have, in the past, made a determination concerning reading, speaking, and understanding the English language, but not relating to a medical limitation. Is it the intent of these rules that refer to the phrase "medical reason" that the medical reason be identified based on the Medical Examiner's physical or is it the intent that an Operations Inspector identify the medical reason and place an appropriate limitation on the Pilot Certificate. Each language requirement in §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) refer to making a medical decision and placing an appropriate limitation on a Pilot Certificate.

ANSWER: Ref. §61.13(b) as it applies to §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2). It is expected that an FAA Inspector identify, consider, and evaluate the “medical reason” at the time he or she issues the pilot certificate. This “medical reason” should appear on the applicant’s medical certificate in accordance with §61.13(b)(ii) as a limitation. The term “medical reason” is contained in the text of §§61.83(c), 61.96(b)(2), 61.103(c), 61.123(b) and 61.153(b) and additionally in §61.183(b) and §61.213(a)(2) and states “If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant’s pilot certificate as are necessary for the safe operation of the aircraft” (e.g., Not valid for flights requiring the use of a radio). This limitation may only appear on the pilot’s medical. The purpose of establishing “medical reasons” in the rule language was to make allowances for persons with medical disabilities such as hearing and speech disabilities due to medical reasons. It was never the intent of this rule to be discriminatory. This is the purpose of allowing operating limitations on an applicant’s pilot certificate as found necessary for the safe operation of the aircraft.

{q&a-204}

61.23

QUESTION 1: Does the requirement, “. . . to certify that he has no known medical deficiency. . .” in the box W of the FAA Form 8710-1 application still exist for applicants of balloon or glider ratings?

ANSWER 1: Ref. §§61.23; 61.53; No, the requirement no longer exists. On the new application form now being developed, this block will be deleted. In the interim, the rule applies.
{q&a-136}

61.29

QUESTION 4: §61.29(d)(3) requires a person requesting replacement of an airman certificate, medical, or knowledge report to include their social security number with the request. Should this be optional?

ANSWER 4: §61.29(d)(3) reads as follows:

“(d) The letter requesting replacement of a lost or destroyed airman certificate, medical certificate, or knowledge test report must state:”

* * * * *

“(3) The social security number.”

However, we agree this was a mistake, because the old §61.29(a)(1) had the words “(if any)” The next correction NPRM we will try to get it changed to say “if required.” We know our unwritten policy guidance provides for people who don't want the FAA to know their social security number.

{q&a-30}

61.31

QUESTION: Thank you for your letter dated April 20, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding the logging of pilot-in-command time. Specifically, whether a pilot needs to have the appropriate 14 CFR section 61.31 endorsements before he or she can properly log pilot-in-command time under 14 CFR section 61.51(e).

In your letter you state that you are “concerned with the answers given by John Lynch, AFS-840, through his Frequently Asked Questions 14 CFR, PARTS 61 & 141 website,” regarding the 14 CFR section 61.31 endorsements and the logging of pilot-in-command time under 14 CFR section 61.51(e). In this website, Mr. Lynch was given the following scenario: a person holds a private pilot certificate with a single-engine land rating. This pilot is obtaining training in a single-engine land airplane that is also a complex or high performance airplane. The question asked was

whether this person could log the time he or she manipulated the controls as pilot-in-command time. Mr. Lynch stated that this person could not log pilot-in-command time under 14 CFR section 61.51(e) in a single-engine land airplane that is also a complex or high performance airplane, without having the appropriate endorsements required under 14 CFR section 61.31. This answer is incorrect.

ANSWER: Ref. §61.51(e)(1)(i); Before discussing this issue, please note that Mr. Lynch's website is an informational website provided by the Flight Standards Service (AFS). It is not a legal site and the Office of the Chief Counsel does not review it. Accordingly, information provided on his website is not legally binding.

14 CFR section 61.51(e) governs the logging of pilot-in-command time. This section provides, in pertinent part, that a private pilot may log pilot-in-command time for that flight time during which that person is the sole manipulator of the controls of an *aircraft for which the pilot is rated*. (Emphasis added)

The term "rated," as used under 14 CFR section 61.51(e), refers to the pilot holding the appropriate aircraft ratings (category, class, and type, if a type rating is required). These ratings are listed under 14 CFR section 61.5 and are placed on the pilot certificate.

Therefore, based on the scenario given to Mr. Lynch, a private pilot may log pilot-in-command time, in a complex or high performance airplane, for those portions of the flight when he or she is the sole manipulator of the controls because the aircraft being operated is single-engine land and the private pilot holds a single-engine land rating. Note, while the private pilot may log this time as pilot-in-command time in accordance with 14 CFR section 61.51(e), he or she may not act as the pilot in command unless he or she has the appropriate endorsement as required under 14 CFR section 61.31.

14 CFR section 61.31 requires a person to have an endorsement from an authorized instructor before he or she may act as pilot in command of certain aircraft (a complex airplane, a high performance airplane, a pressurized airplane capable of operating at high altitudes, or a tailwheel airplane). These endorsements are not required to log pilot-in-command time under 14 CFR section 61.51(e).

As you stated in your letter, there is a distinction between acting as pilot in command and logging pilot-in-command time. In order to act as pilot in command, the pilot who has final authority and responsibility for the operation and safety of the flight, a person must be properly rated in the aircraft and be properly rated and authorized to conduct the flight. In order to log pilot-in-command time, a person who is the sole manipulator of the controls only needs to be properly rated in the aircraft.

{q&a-288}

[Replaces q&a-228]

QUESTION 3: Now that "AERO TOW ONLY" and "GROUND LAUNCH ONLY" are obsolete, should we reissue all certificates with glider ratings to read "(PVT/COM'L) PRIVILEGES--GLIDER"?

I have a GLIDER-AERO TOW. If I act as PIC during a ground launch after getting a CFI endorsement and if I don't get my certificate reissued-- wouldn't I be in violation of a restriction on my certificate, even though I'm in compliance with the rule.

ANSWER 3: [§61.31(k)] Order 8700.1, Change 17 is being drafted to address that issue. But you can have the limitations removed when you have your certificate re-issued, or you can apply right now to have it reissued without the limitation, or if you never get your certificate re-issued you can keep the limitation. It makes no difference. §61.31(k) is the rule that addresses your question.

{q&a-8}

61.33

QUESTION: Recently I have several inquiries from FAA Aviation Safety Inspectors (Operations) regarding a possible conflict between the requirements of Private Pilot Certification in Part 61 and the PTS. For example, the PTS for a Private Pilot Certificate-Rotorcraft-Helicopter practical test requires tracking and interception. Unless I'm mistaken there is no such requirement in Part 61. What is the legal status of the PTS in such a case?

ANSWER: The legal status of a Practical Test Standards is covered by §61.33 which states: "Tests prescribed by or under this part are given at times and places, and by persons designated by the Administrator" and §61.43 which specifies general test procedures. The regulations implement public law Title 49 of the United States Code.

There is no conflict between the PTS and Part 61 for an applicant for a Private Pilot Certificate for a helicopter rating. Section 61.105(b)(4) requires ground training on "Use of aeronautical charts for VFR navigation using pilotage, dead reckoning, and navigation systems." Section 61.107(b)(3)(vii) requires both ground and flight training on "Navigation." And the Private Pilot-Helicopter PTS requires testing per Area of Operation VII, Task B on interception and tracking a given radial or bearing and locating position using cross radials, coordinates, or bearings.

Yes, the examiner **MUST** test applicants on "Intercepts and tracks a given radial or bearing" or "Locates position using cross radials, coordinates, or bearings." This additional training is not only beneficial for improving the competency of helicopter pilots, but it's important for helicopter pilots to know how to operate SAFELY in today's National Airspace System.

{q&a-241}

61.35

QUESTION: The CATS computer test people tell me that no instructor signoff is required, due to a "new" change in policy, to take the FOI/AGI/IGI/CFI/CFII knowledge tests. Is this true? I haven't been able to find anything in writing to support this, and don't want to show up for tests without required papers.

ANSWER: Per §61.183(d); Applicants are not required to show such evidence of preparation to take the ATP, flight instructor (CFI), fundamentals of instruction (FOI), military competency, foreign pilot instrument (IFP) or the certificated ground instructor (CGI) knowledge tests unless they are applying to retake a test after failing that test (per § 61.49). Paragraph 5. b. of the Advisory Circular (AC) 61-65D now relates this information.

Regarding fundamentals of instruction (FOI), per §61.185(a), the applicant needs to ". . . receive and log ground training from an authorized instructor . . ." When the applicant applies for the practical test, the examiner shall ensure that the applicant has: ". . . receive and log ground training from an authorized instructor . . .", but such logbook endorsement need not be presented to take the computer knowledge test.

{q&a-173}

61.39

QUESTION 1: We have recently had several CFI applicants arrive without two endorsements which we feel are required by the latest version of AC 61-65D. Under the old AC 61-65C we were allowed to accept the recommending instructor's signoff on the rating application form (FAA Form 8710-1) as evidence that the area's in which the applicant was deficient on the knowledge (written) test had been reviewed. It now appears under the revised AC 61-65D that an endorsement is required (rather than just the 8710-1 signoff) for the knowledge test review. Is this true and applicable to CFI applicants?

ANSWER 1: Ref. § 61.39(a)(6)(iii) and the "NOTE" on page 4, paragraph 9 in AC 61-65D; An instructor endorsement is required to show the applicant, including a CFI applicant ". . . Has demonstrated satisfactory knowledge of the subject areas in which the applicant was deficient on the airman knowledge test . . ." The only exceptions for not being required to comply with § 61.39(a)(6) is addressed in § 61.39(c) and flight instructor applicants are not exempted.

QUESTION 2: Apparently the same signoff (instructor's recommendation on the rating application) is no longer valid to indicate that the applicant had received required training in the past 60 days, correct? We have had some files returned from OKC because the instructor's recommendation date (on the FAA Form 8710-1) was beyond the 60 days whether or not the applicants logbook had shown training within the previous 60 days as required by FAR 61.39 (a)(6)(i). It now appears under the revised AC 61-65D that an endorsement is also required (in addition to the 8710-1 instructor recommendation) for training within 60 days. Q&A 314 indicates that some of the endorsements reference regulations which state an applicant must have received training within the previous 60 days prior to the practical test, but there does not appear to be one that applies to the CFI candidate.

ANSWER 2: Ref. § 61.39(a)(6)(i) and (c); The only exception for not being required to comply with § 61.39(a)(6) is addressed in § 61.39(c) and flight instructor applicants are not exempted. Even though a specific amount of training (like 3 hours) within the 60 days preceding the date of application in preparation for the practical test ". . . received and logged . . ." is not

required of a flight instructor applicant, that applicant must show having received and logged SOME training within the 60 days preceding the date of application in preparation for the practical test. Personally speaking, I cannot imagine an applicant not having “. . . received and logged . . .” at least 3 hours of training within the 60 days preceding the date of application in preparation for the practical test, but CFI is not really a “pilot” rating and we did not put a specific time requirement in the regulation.

{q&a-375}

QUESTION: Looking at the recommended endorsements in AC 61-65D, apparently we will no longer use the old one which specified training accomplished in the last 60 days and demonstrated sat knowledge of areas found to be deficient in the knowledge test....is this correct?

ANSWER: Ref. §61.39(a)(6)(i); The "recommended" endorsements in the Advisory Circular 61-65D are not intended to be “required word-for-word” endorsements. They are examples that “should” be used, but we recognize that some inspectors and examiners tend to treat them as “required word-for-word.” The recommended endorsements that are shown do not include the two specific items you are asking about.

(1) Regarding the §61.39(a)(6)(i) endorsement of training within the preceding 60 days, look at Recommended Endorsements numbers 12, 18, 20, and 22 and note that the references incorporated in these endorsements include an amount of training (e.g., §61.109(a)(4) requires 3 hours flight training ... within 60 days preceding the date of the test). The regulatory references for example 24 (§61.183 & §61.187) and example 37 and 39 (§61.63(b), (c) & (d)) do not include a specific amount of training required within the preceding 60 days, however at least some training “more than zero” is still required and these examples refer to the “required training.” In any event, an examiner must review the applicant’s logbook/training records to verify that the required amount (e.g., 3 hours, 1 ½, or some) of training occurred within the preceding 60 days.

NOTICE. These specific endorsements stating that the applicant is prepared/proficient to pass the required practical test in accordance with §61.39(a)(6)(ii) are required in the logbook or training record for those certificates that include the requirement as a prerequisite [e.g., §§61.63(b)(3) & (c)(2), 61.65(a)(6), 61.96(b)(5)(ii), 61.103(f)(2), 61.123(e)(2), and 61.187)]. The endorsement **MUST** be included **IN ADDITION** to the instructor's signature on the appropriate line on the FAA Form 8710-1 Airman Certificate &/or Rating Application.

(2) Regarding the §61.39(a)(6)(iii) endorsement of knowledge test item review there is a “NOTE” in paragraph 9 of the Advisory Circular that reiterates this requirement. Unfortunately, the endorsement examples pointed out were intended for permission to take the knowledge test rather than endorsement of the required review. This error was not realized in time for change before publication. An endorsement worded much like the statement on the knowledge test result form or like the following would suffice: “I have given _____ additional instruction in the subject areas found deficient on the knowledge test as required by §61.39(a)(6)(ii) and he/she demonstrates satisfactory knowledge.”

{q&a-314}

QUESTION: Order 8700.1, Volume II, chapter 1, section 4, paragraph 3, B, (5) directs the Inspector to accept the instructor's recommendation on the back side of the 8710-1 as meeting the required endorsements prescribed under §61.39(a)(6). In reading the current §61.39(a)(6), it requires the logbook or training record endorsement "and" have a completed and signed application form. Am I correct in addressing this information in the classroom, considering the two references (Part 61.39 and 8700.1, vol II), that the Instructor's recommendation on the back of the 8710-1 will still satisfy the regulatory requirement of Part 61.39 (a)(6)"and"(7).

ANSWER: No. Ref. §61.39(a)(6) and (7); It requires an endorsement ". . . in the applicant's logbook or training record . . ." if an endorsement is required. And it also requires a ". . . a completed and signed application form." Right now, FAA Order 8700.1 is hopelessly out of date and the rule applies. I don't know the time schedule for when FAA Order 8700.1 is going to be updated, because it is outside my responsibility. AFS-805 has responsibility for issuing changes to FAA Order 8700.1.

Personally, I wish I had been around when the policy was initially established in FAA Order 8700.1, volume II, chapter 1, section 4, paragraph 3, B, (5), because I believe it conflicts with even the old §61.39(a)(5). I believe both the new §61.39(a)(6) and the old §61.39(a)(5) requires and required an endorsement ". . . in the applicant's logbook or training record . . ." When §61.39(a)(6) was re-written in the way it was it was for a purpose. Because, we wanted the applicant to:

"(6) Have an endorsement, if required by this part, in the applicant's logbook or training record that has been signed by an authorized instructor who certifies that the applicant--"

and we also wanted the applicant to:

"(7) Have a completed and signed application form.

Why we ever put out such a policy, considering even what the old §61.39(a)(5) said, is beyond me?

{q&a-272}

61.41

QUESTION: I had a CFI call yesterday afternoon who lives most of the year in Sweden. His 24 months for his Flight Review expires while he is in Sweden and he is wondering if a Flight Instructor with ICAO certificate can give him a flight review or if he must have a Flight instructor with U.S. certificate conduct the flight review? FAR 61.56 states the flight review should be conducted "...by an appropriately rated instructor under this part or other person designated by the administrator..." The way I read this is to indicate that the "other person designated by the administrator" is one of the individuals outlines in paragraph (d) of 61.56.

Since more and more pilots are moving abroad this is becoming a question I get quite frequently. Can you shed some light on this one.

ANSWER: Ref. §61.41(b). The foreign instructor may give training, but a foreign instructor can **NOT** endorse a person for satisfactory completion of a §61.56 Flight Review. {q&a-156}

61.43

QUESTION: Our office had an inspector trainee recently return from the Academy with information that appears in conflict with our office inspectors opinions and some of the practical test standards. He was told that if an applicant failed an area of operation he must be retested on the entire area of operation failed including the tasks that were completed successfully within that area.

I will use the Private PTS as an exaggerated example. An applicant successfully completed the entire flight test but on one of the tasks listed in area of operation I, he failed. I will use aeromedical factors task H, as the unsuccessful task. When he is retested, according to the academy training, he must be retested on the entire area of operation I, which would included the following tasks: A. Certificates and documents, B. Weather information, C. Cross country flight planning, D National airspace system, E. Performance and limitations, F. Operation of systems, G. Minimum equipment list, and the failed task H. Aeromedical factors.

In this exaggerated example, that is an incredible amount of retesting for someone not knowing anything about carbon monoxide dangers. Further, this procedure conflicts with page vii, describing Unsatisfactory Performance that states the applicant is entitled credit for only those TASKS satisfactorily performed.

ANSWER: Ref. §61.43(f), Order 8710.3C [Page 5-21, paragraph 5.E.(7)(a) and page 5-6, paragraph 21.B] and the PTS [Paragraphs noted as "Unsatisfactory Performance"];

THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION. Section 61.43(f) is silent on the matter of retesting TASKS within a failed area of operation. AGAIN EMPHASIS IS ON "THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION." However, the rule does not prevent an examiner from re-testing an applicant on every task within a previously failed area of operation. In accordance with Order 8710.3C, page 5-6, paragraph 21.B, an examiner has the authority to re-evaluate any TASK within an area of operation that was previously failed.

Ref. §61.43(f); Per §61.43(f), it states:

"If a practical test is discontinued, the applicant IS ENTITLED CREDIT FOR THOSE AREAS OF OPERATION THAT WERE PASSED, but only if the applicant . . ." The key words to focus on here is "AREAS OF OPERATION." It doesn't say anything about "TASK."

Reference a review of the Private Pilot PTS, the paragraph noted as "Unsatisfactory Performance" on page vii, it states in pertinent part,

". . . Whether the test is continued or discontinued, the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Yes, the examiner has the authority to ". . . at the discretion of the examiner, any TASK may be re-evaluated, . . ."

What this is saying, in effect, is yes, any TASK may be re-evaluated within that failed area of operation. But read on, because Order 8710.3C, page 5-6, paragraph 21.B states: "**Whenever the examiner has reason to doubt** the applicant's competence in areas for which the applicant received credit during a previous practical test, the examiner SHALL reexamine the applicant on all areas of operation required for that certificate or rating."

First example, what Order 8710.3C, page 5-6, paragraph 21.B is saying:

An applicant for a Private Pilot Certificate for an airplane single engine land rating successfully completes the entire flight test but on one of the tasks listed in Area of Operation I of the Private Pilot PTS, he failed. The applicant failed aeromedical factors task H. When the applicant is retested, the examiner MAY or MAY NOT retest the applicant on every task within Area of Operation I. Area of Operation I includes the following task: A. Certificates and documents; B. Weather information; C. Cross country flight planning; D National airspace system; E. Performance and limitations; F. Operation of systems; G. Minimum equipment list; H. Aeromedical factors.

The examiner, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, has the authority and should re-examine the applicant on all tasks within that failed area of operation. However, the examiner in accordance with the Private Pilot PTS [the paragraph noted as "Unsatisfactory Performance" on page vii] ". . . the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Second example:

An applicant for a Private Pilot Certificate for an airplane single engine land rating fails the VI. Ground Reference Maneuvers Area of Operation but passes all of the remaining Areas of Operation of the Private Pilot PTS. On the retest, ". . . **the examiner has reason to doubt** the applicant's competence on the Navigation Area of Operation because applicant appeared to be weak in finding his way back to the airport. Then, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, yes the examiner has the authority and should re-examine the applicant on that area of operation.

So, for an individual examiner to make a "blanket policy" to retest applicants on everything is not appropriate, nor does §61.43(f) support such a policy, nor does the PTS support such a policy, nor does FAA Order 8710.3C support such a policy.

{q&a-140}

QUESTION: Every PTS gives the examiner the option to retest even areas of operation that were passed. But, §61.43(f) states:

(f) If a practical test is discontinued, the **applicant is entitled credit for those areas of operation that were passed**, but only if the applicant: ...

Does this mean those areas can not be retested on the applicants next attempt?

ANSWER: The rule does NOT prevent an examiner from reexamining areas where there is reasonable doubt on that applicant's skills and abilities. The FAA's existing policy supports an examiner if during the retest he or she observed an unsatisfactory performance of a task on an area of operation that was initially passed. We believe the wording of the rule supports that. But we don't want the examiner doing the entire test over again. That isn't fair either.

{q&a-9 question #13} & {q&a-30 question #7}

QUESTION 1: The REG talks to a 60 day limit for the certification process.

1. The Discontinued practical test; is that adding an additional 60 days to the process or is it 60 days Period?

ANSWER 1: The answer to your question is contained in §61.43(f) subparagraph (1):

(f) If a practical test is discontinued, the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:

(1) **Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;**

For example, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR ELSE. In counting from September 5 to November 11, it is 60 days exactly.

61.45

QUESTION: Meaning of "dual controls" as it applies to civil aircraft being used for either flight instruction or practical tests, in accordance with (IAW) Title 14 Code of Federal Regulations (14 CFR) part 91, section 91.109.

ANSWER: Ref. § 61.45(c); The below Flight Standards handbook bulletin (i.e., HBGA 00-08) was issued on May 26, 2000 in response to explaining the meaning of "dual controls" as it applies to civil aircraft being used for either flight instruction or practical tests.

ORDER 8700.1

APPENDIX: 3

BULLETIN TYPE: Flight Standards Handbook Bulletin for General Aviation (HBGA)

BULLETIN NUMBER: HBGA 00-08

BULLETIN TITLE: Clarification of Requirement for “Dual Controls” on Civil Aircraft without “Dual Brakes” Being Used to Provide Flight Instruction or Conduct Practical Tests

EFFECTIVE DATE: 5-26-00

TRACKING NUMBER: N/A

1. PURPOSE. This bulletin provides guidance concerning the meaning of “dual controls” as it applies to civil aircraft being used for either flight instruction or practical tests, in accordance with (IAW) Title 14 Code of Federal Regulations (14 CFR) part 91, section 91.109.

2. BACKGROUND.

A. Neither previous nor current 14 CFR section 61.45 or 91.109 have listed brakes as a “required control” in a civil aircraft when used for either flight instruction or a practical test.

B. The Federal Aviation Administration (FAA) has held that both flight instruction and practical tests may be conducted in an airplane without dual brakes when the instructor/examiner determines that the instruction or practical test, as applicable, can be conducted safely in the aircraft. Further, numerous makes and models of both single- and multi-engine civil aircraft, not equipped with two sets of brakes or a central handbrake, have been used to provide flight instruction required for virtually all certificate and rating areas authorized under 14 CFR part 61.

C. The FAA Office of General Counsel (AGC) responded to a recent request from industry for an interpretation of the requirement for the brakes on the right side to be equal to the brakes on the left. AGC’s response stated that the brakes on the right side did not have to be a duplicate or equal to the brakes on the left side; however, the response inadvertently stated that the brakes on the right side were required. Therefore, it meant that the operating controls accessible to the pilot in the right seat of the aircraft, or to both pilots in a tandem seated aircraft must be capable of performing the same function. This effectively required that an aircraft used for flight instruction or a practical test must be equipped with two sets of brakes or a central handbrake.

(1) Title 14 CFR section 91.109(a) states, in part, that no person may operate a civil aircraft that is being used for flight instruction unless that aircraft has fully functioning **dual controls**.

(2) Title 14 CFR section 141.39(d) provides that each aircraft used in flight training must have at least two pilot stations with engine power controls that can be easily reached and operated in a normal manner from both pilot stations.

(3) Title 14 CFR section 61.45(b)(1)(i) provides that an aircraft used for a practical test must have the equipment for each area of operation required for the practical test. For example, an examiner may conduct a flight instructor practical test with an applicant in the right seat without brakes on that side. If a task requires the applicant to use the brakes, he or she may either switch seats with the examiner to perform the task or ask the examiner to apply and release the brakes at the applicant’s request.

(4) Title 14 CFR section 61.45(c) provides that an aircraft (other than lighter-than-air aircraft) used for a practical test must have engine power controls and flight controls that are easily reached and operable in a conventional manner by both pilots, unless the examiner determines that the practical test can be conducted safely in the aircraft without the controls being easily reached.

(5) As noted, dual brakes are not a requirement in either of the above sections of 14 CFR.

D. Based on FAA’s long standing interpretation that brakes are not required controls under 14 CFR section 91.109(a), and upon determining that safety has not been impacted negatively, on April 27, the Office of General Counsel clarified its position that the term “dual controls” as used under 14 CFR section 91.109(a) refers solely to the flight controls of an aircraft (e.g., pitch, yaw, and roll controls).

3. **ACTION.** Aviation safety inspectors in all Flight Standards District Offices (FSDO) are requested to advise certificated flight instructors, certificated pilot schools, and affected aircraft owners and operators within their jurisdiction, that FAA's previous and long standing policy regarding this matter continues to apply and that civil aircraft with a single set of brakes, with or without a central handbrake, may continue to be used for flight instruction or practical tests IAW all applicable provisions of 14 CFR.

4. **INQUIRIES.** This bulletin was developed by AFS-800. Any questions or comments regarding the information provided should be directed to AFS-800 at (202) 267-8196.

5. **EXPIRATION.** This bulletin will expire upon its incorporation in a future change to FAA Order 8700.1, General Aviation Operations Inspectors Handbook, volume 2, chapter 1, section 3, Considerations for the Practical Test.

/s/

Michael L. Henry, Manager,
General Aviation and Commercial Division
{q&a-378}

QUESTION 3: Ref 61.45(c), how does a DPE give a practical test in a glider if the regs require engine power controls?

ANSWER 3: The intent of §61.45(c) is really for powered aircraft. Well, it also applies for taking practical tests in motorized gliders. But we agree, we probably should have added the words "and a glider without an engine)" in the phrase "(other than a lighter-than-air aircraft)."
{q&a-67}

61.49

QUESTION 9: §61.49(a)(2) states:

"(2) An endorsement from an authorized instructor who gave the applicant the additional training."

Where is the endorsement given, on a piece of paper, another application, logbook???

ANSWER 9: We will change §61.49(a)(2) to clarify where the endorsement should be placed to read as follows:

(2) An endorsement on a newly completed application and in the applicant's logbook from an authorized instructor who gave the applicant the additional training.

{q&a-30}

61.51

QUESTION: Some time ago I wrote looking for input on FAR 1.1 that defines "pilot flight time". I said that some of our pilots claimed "flight time" included start, warmup, taxi, runup, and further taxi (all under the assumption that this time is "for the purpose of flight") while the purists in the group claimed that flight time didn't even start until power was applied at the end of the runway.

After we get to FAR 1.1, does flight time include start, warm-up, taxi to the run-up area, further taxi to the runway, etc. or does "moving under its own power for the purpose of flight" begin only when the aircraft is lined up on the centerline beginning its take-off roll? The argument, of course, is that since most GA aircraft begin charging for the airplane once the engine starts, most pilots have decided to log what they pay for.

But there is another group of pilots who say that warm-up and taxi time is not flight time.

Has the FAA explained the definition we find in FAR 1.1?

ANSWER: Ref. § 1.1 and § 61.51; It means “. . . when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing . . .” Or, the more commonly referred definition is “Block-to-Block” time. The following has been checked and verified with General Counsel, AGC-240:

Start up: No, you can not log that as flight time.

Warm-up: No, you can not log that as flight time if the aircraft has not yet moved from the parking location.

Taxi: Yes, you can log that as flight time.

Run-up: Yes, you can log that time. After all, attempted flight without run-up could appear careless & reckless.

Further taxi to the runway, etc.: Yes, you can log that as flight time.

The aircraft moves out onto the runway, throttle up to takeoff power, and begins the takeoff roll: Obviously, yes, you can log that as flight time.

Landing and roll out: Yes, you can log that as flight time.

Taxi in to parking: Yes, you can log that as flight time.

Engine Shut Down: No you can not log that as flight time after the airplane is in a parking position.

{q&a-374}

QUESTION: We had a discussion about whether a private pilot SSA member, acting as a tow pilot, could, without monetary compensation:

- 1) Log the time he/she towed
- 2) Count the time toward additional ratings or certificates.

My understanding is that the time can be logged, but not used toward a new rating. This would allow the logged time to satisfy currency requirements for tailwheel time, PIC time, etc.

ANSWER: Ref. §61.113(g) and §61.51(e)(1); Yes, a pilot who is serving as a “tow pilot” may log the flight time when he or she is towing. And there are no rules that would prevent counting that time toward currency or the furtherance of a rating or certificate. As per §61.113(g), it states:

(g) A private pilot who meets the requirements of Sec. 61.69 of this part may act as pilot in command of an aircraft towing a glider.

and

Section 61.51(e)(1) states:

(e) Logging pilot-in-command flight time. (1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person--

(i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated;
{q&a-356}

QUESTION: I'm looking at your FAQs regarding logging instruction and endorsements and both I and a supervisor from Salt Lake City need further clarification of §61.187(a). A school operates a CFI course under Part 61, and they don't want to keep records (logbooks, whatever) of what the applicant was taught on each lesson.

§61.187(a) says that the applicant must receive AND LOG flight and ground training from an authorized instructor on the AREAS OF OPERATION LISTED IN THIS SECTION that apply to the flight instructor rating sought. It doesn't say that the CFI can make a one-time endorsement that the instruction has been done in lieu of the logging of flight and ground training.

The regulation is clear that a required logbook endorsement from an authorized instructor certifying that the person is proficient to pass a practical test on those areas of operation must be made.

If only an endorsement would suffice that the required training had been completed, why doesn't the regulation say so? Then only two endorsements would be required and logging of flight and ground time would not!

ANSWER: Ref. §61.51(a), (b), and (h)(2), §61.187(a), and §61.189(a); The answer is ". . . training time must be logged in a logbook . . ." [i.e., §61.51(h)(2)]. Section 61.51(h)(2) requires that ". . . training time must be logged in a logbook and §61.187(a) requires "The applicant's logbook must contain an endorsement . . ." Making a simple endorsement in a logbook does NOT relieve the applicant and the flight instructor from logging training time to comply §61.51(h)(2). I support this statement that the flight instructor must log all training time by the provisions contained in §61.51(a) and (b) and especially paragraph (h)(2). I believe §61.51(h)(2) makes it quite clear that:

- "(2) The training time must be logged in a logbook and must:
- (i) Be endorsed in a legible manner by the authorized instructor; and
 - (ii) Include a description of the training given, the length of the training lesson, and the instructor's authorized signature, certificate number, and certificate expiration date."

An equally important rule is §61.189(a) and I believe that rule further establishes the requirement to "must receive and log flight and ground training . . ." [i.e., §61.187(a)].

{q&a-285}

QUESTION: In §61.51(h)(2)(ii), there is a phrase that states "Include a description of the training given . . ." How descriptive does a flight instructor have to be in describing the content of a training session to meet the provisions of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."]?

ANSWER: Ref. §61.51(h)(2)(ii). Many schools utilize a training record folder that lists the lesson numbers vertically on the folder and the tasks are listed horizontally. And these schools have a training course outline that describes the content of each lesson in detail. Therefore, as long as the applicant has those records available for review, it is permissible for the instructor to merely write in the applicant's logbook, as for example, "Lesson No. 36" for meeting the requirements of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."]. An examiner or ASI who wishes to see what was covered in Lesson No. 36 would have those records available on site to review what was covered during Lesson No. 36 or Lesson No. 10, etc. The essence of §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."] is not to require flight instructors to have to write volumes of Encyclopedias for describing a lesson!

However, if an applicant's school does not maintain or have such records, then yes the flight instructors will have to be more descriptive in describing the content of a lesson in an applicant's logbook. But even in this kind of situation, it is permissible and would be in accordance with §61.51(h)(2)(ii) [i.e., "Include a description of the training given . . ."] for a flight instructor to write a description in the applicant's logbook, as for example, that would state "Norm T/O & Ldgs, X-W T/O & Ldgs, Perf. Maneuvers-St. Turns, Chandelles, L8" or the flight instructor may merely contain a description "Comm-ASEL - AOA III, Tasks A and B; AOA VI. 8-Pylons"

{q&a-236}

QUESTION: Where, how, or in what manner is ground training to be logged? I am sure there are others with the same question. It seems the answer is contained in FAR 61.51. where it states that BOTH FLIGHT AND GROUND TRAINING MUST BE ENTERED IN A

LOGBOOK. However, commercially produced pilot log books do not contain a column for ground training. Also, I have a copy of an e-mail message states, in reference to ground training, "It can be logged on a pre-printed training record etc. etc." Guidance please.

ANSWER: I agree per §61.51(h)(2), that it says training time must be logged in a logbook. But also, read §61.51(a)(1) says "Each person must document and record the following time in a manner acceptable to the Administrator . . ."

Historically, the FAA has accepted training records as a proper place to log training time. I guess it comes down to what is a "logbook." Can a logbook be a "training record tabulation sheet?" Yes it can be. Or is a logbook only a separate book that has rows of columns for recording times? Well I think we all would agree that is what we all envision when the term "logbook" is mentioned. However, a "training record tabulation sheet" is a ". . . document and record . . . acceptable to the Administrator . . ."

We do not have a definition of a "logbook." A logbook can be a sheet or a number of sheets of computer generated log sheets like what airline pilots have issued to them by their companies. Or a logbook can be a number of DA Form 759-1's from the United States Army. Or a logbook can be a "training record tabulation sheet" like in the case with Part 141 approved school training records.

Let's not get too hung up on the words, because I believe it is more important the time and endorsements are properly conducted and documented. As long as we can decipher the record to assure that the training, recency of experience, aeronautical experience times AND CONTENT, etc. have been met then I'm not that concerned with what we accept as a logbook.

{q&a-186}

QUESTION 5: What is the status of student solo time logged before 8/4/97? Now that students can log PIC (whereas they couldn't before), can they count the solo time they logged as PIC before 8/4/97 toward the PIC time requirements for higher ratings applied for after 8/4/97? In other words, is the experience they gained before 8/4/97 as valuable as that gained after 8/4/97?

ANSWER 5: [§61,51(e)(4)] The new rule applies. Solo time can be logged as PIC time.
{q&a-8}

QUESTION 1: Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

ANSWER 1: Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time. In fact, I have already gone into my logbook where I had logged solo time in 1968 and added the time into the PIC column of my logbook. It can be logged as both solo time and PIC time.

{q&a-74}

QUESTION: Under new Part 61, to add an additional aircraft category rating we need to meet the requirements of FAR 61.63. That regulation requires that we possess "...the aeronautical experience...that applies to the pilot certificate for the aircraft category..." Using the example of a Commercial Rotorcraft pilot adding an airplane category rating, the applicant would have to meet the requirements of FAR 61.129(a). Among those requirements is 50 hours of PIC time [61.129(a)(2)(i)].

The Question: How does a person with a commercial rotorcraft log PIC time in an airplane? FAR 61.51 (e)(1)(i) only allows you to log PIC time if you are the "...sole manipulator of the controls of an aircraft for which [you are] rated..." Paragraph (4) allows a student pilot to log PIC, but in this example we are dealing with a rated pilot, not a student pilot. I guess you could claim that person is a student, but it's not clear from the regulation that's what you expect.

ANSWER: You have raised an issue that is going in our next correction document that is scheduled for publication in December.

On pages 16249 (bottom of 3rd column) and 16250 (top of 1st column) in the April 4, 1997 version of the Federal Register, the FAA stated, in pertinent part, "These pilot may properly log pilot-in-command time: . . . (2) when the pilot is the sole occupant of the aircraft; or . . ."

Unfortunately, we failed to incorporate that statement in §61.51(e). Therefore, in the interim [until we get that statement in §61.51(e)] Permit applicants to log PIC time ". . . when the pilot is the sole occupant of the aircraft..." because those instructions are in the preamble of the final rule document. Yes, a person who is the sole occupant of the aircraft may log the time as PIC time, and yes that includes the PIC time in §61.129(a)(2)(i).
{q&a-57}

61.53

QUESTION 1: Does the requirement, ". . . to certify that he has no known medical deficiency. . ." in the box W of the FAA Form 8710-1 application still exist for applicants of balloon or glider ratings?

ANSWER 1: Ref. §§61.23; 61.53; No, the requirement no longer exists. On the new application form now being developed, this block will be deleted. In the interim, the rule applies.
{q&a-136}

61.55

QUESTION: A reading, please. 61.55(a)(1) says 'current' private pilot cert. What exactly does this mean? For instance, we have a pilot who has a current SIC check to fly right seat in a LRJET, but who doesn't have a current BFR, and who never gets one. Would the SIC check count for the 'current' in the reg?

ANSWER: Reference §61.55(a)(1); It states "At least a current private pilot certificate . . ."

The word "current" means the person meets the recency of experience requirements of Part 61 (i.e., BFR, 3 T/O's and landing, and instrument, if appropriate) and the person's medical certificate has not expired.

In the near future, we will be issuing an update to Part 61, because we have gone through all of Part 61 and placed the words "valid," "current," and "valid and current" where appropriate. In that upcoming NPRM, we will define what the words "valid," "current," and "valid and current" means.

The word "current" will be defined as having met all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired.

The word "valid" will be defined as the person's pilot certificate has not been surrendered, suspended, revoked, or expired.

The word "current and valid" will be defined as:

1. The person meets all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired; and.
 2. The person's pilot certificate has not been surrendered, suspended, revoked, or expired.
- {q&a-92}
-

61.56

QUESTION: The situation is a balloon rated pilot received a flight review in accordance with §61.56(a) that consisted “. . . of 1 hour of flight training and 1 hour of ground training . . .” As per §61.51(a)(1), it states “. . . must document and record the following time in a manner acceptable to the Administrator:

- (1) **Training** and aeronautical experience used to meet the requirements for a certificate, rating, or flight review of this part.

So my question does the pilot need to have a §61.56(c) endorsement, but also per §61.51(a) is it required that the person's logbook require a record and instructor endorsement showing the “. . . 1 hour of flight training and 1 hour of ground training . . .” given? Or does the one single §61.56(c) endorsement suffice?

ANSWER: §61.51(a)(1) and §61.56(a) and (c)(2); Only the one single §61.56(c) endorsement is required. If the pilot has an endorsement that reads similar to the following endorsement, then that is sufficient for meeting the regulatory requirements:

I certify that (First name, MI, Last name), (pilot certificate), (certificate number), has satisfactorily completed a flight review of § 61.56(a) on (date).

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-00

This endorsement, by referencing §61.56(a), says in effect that the person did receive the “. . . 1 hour of flight training and 1 hour of ground training . . .” and so no other instructor endorsement is required. And historically, this one single endorsement is all that the FAA has ever required.

However, let me make it perfectly clear to both the pilot and the flight instructor and the commercial pilot-balloon pilot also, when that endorsement is made, there better have been “. . . 1 HOUR OF FLIGHT TRAINING AND 1 HOUR OF GROUND TRAINING . . .” GIVEN. Because that is what §61.56(a) says! Not 15 minutes, BUT “. . . 1 HOUR OF FLIGHT TRAINING AND 1 HOUR OF GROUND TRAINING . . .” GIVEN.

{q&a-319}

QUESTION: Ref. §61.56(c); What does the phrase “. . . since the beginning of the 24th calendar month before the month . . .” mean in §61.56(c)?

ANSWER: It means, in layman terms, go backwards 24 calendar months from the MONTH the person acts as pilot in command and sometime during those preceding 24 calendar months you have to had accomplished a flight review.

§61.56(c) states as follows:

Except as provided in paragraphs (d), (e), and (g) of this section, no person may act as pilot in command of an aircraft unless, since the beginning of the 24th calendar month before the month in which that pilot acts as pilot in command, that person has--

{q&a-216}

QUESTION: The scenario is a rated pilot who is training for a new rating and is flying as a solo "PIC" with appropriate endorsements. In accordance with § 61.56(g), would this rated pilot still be required a current flight review, even to solo the glider while under instruction?

ANSWER: Ref. §61.31(d)(3); No, the pilot would not need to have a current Flight Review to solo as PIC a glider while undergoing training for that rating in a glider, provided that pilot has received the appropriate training and has a current solo endorsement in a glider, as per §61.31(d)(3). Section 61.31(d)(3) was specifically written to address this situation. Section 61.31(d)(3), states, in pertinent part:

(d) Aircraft category, class, and type ratings: Limitations on operating an aircraft as the pilot in command. To serve as the pilot in command of an aircraft, a person must—

* * * * *

(3) Have received training required by this part that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

And even though the recent revision to §61.56(g) was for student pilots, in the preamble of that correction final rule (78 FR 20283) that was issued in the Federal Register on April 23, 1998, it stated:

Section 61.56 Flight review. Section 61.56 provides that a person may act as PIC of an aircraft only if that person has accomplished a biennial flight review (BFR). Because §61.51 now permits student pilots, under certain circumstances, to log PIC flight time, there has been some concern as to whether the BFR requirement applies to student pilots. Before the adoption of the final rule, a student pilot was required to log solo flight time, rather than PIC flight time, when that student pilot was the sole occupant of the aircraft or when that student pilot was acting as PIC of an airship requiring more than one flight crewmember. To avoid confusion, the FAA has revised §61.56 to except a student pilot from the BFR requirement if that student pilot is undergoing training for a certificate and has a current solo flight endorsement as required under §61.87 of this part.

This is the same line of thinking that goes along with §61.31(d)(3).

{q&a-191}

QUESTION 1: The particular question is whether a flight instructor who passes a flight instructor practical test (for initial issuance or a CFI rating addition or for a reinstatement) is or is not exempt from needing a §61.56 Flight Review for the next two years, since the reg. specifically says PILOT proficiency check.” §61.56 d - allows this exemption for a person who has "... passed a PILOT proficiency check.." not needing to accomplish a flight review for the next 2 years.

ANSWER 1: Ref. §61.56(d); If the examiner also evaluates the applicant's piloting skills then YES, “. . . a flight instructor practical test (for initial issuance or a CFI rating addition or for a reinstatement) . . .” would meet the requirements of a §61.56 Flight Review. However, to make sure the applicant gets credit for successful completion of the Flight Review, the examiner should record that the §61.56 Flight Review was satisfactorily completed in the applicant's logbook.

§61.56(d) states:

(d) A person who has, within the period specified in paragraph (c) of this section, passed a pilot proficiency check conducted by an examiner, an approved pilot check airman, or a U.S. Armed Force, for a pilot certificate, rating, or operating privilege need not accomplish the flight review required by this section.

QUESTION: In §61.56(b) it states a glider pilot may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude. . .**” Could performing a rope break at 200' AGL qualify as “. . . a flight to traffic pattern altitude . . .?”

ANSWER: **YES;** Reference §61.56(b) states:

§ 61.56 Flight review.

* * * * *

(b) Glider pilots may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude**, in lieu of the 1 hour of flight training required in paragraph (a) of this section.

* * * * *

We are silent in the rule on the height of traffic pattern altitude. We stated in the preamble of the final rule (62 FR 16252; April 4, 1997):

“In response to the comment concerning the performance of 360 degree turns, the FAA has modified the language in paragraph (b) to permit three instructional flights in a glider, each of which requires flight to traffic pattern altitude. This modification should provide instructor with greater flexibility during the conduct of a flight review for glider pilots. The FAA expects that each instructional flight to traffic pattern altitude will consist of a launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight.”

So in further answer to this question, the rule doesn't specify the height of traffic pattern altitude. So as long as during this rope break at 200' AGL, the pilot demonstrates “. . . launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight,” then yes the maneuver meets the rule requirements of §61.56(b).

{q&a-126}

QUESTION: Can BFR be accomplished in a single place aircraft (i.e., ag airplane)?

ANSWER: No. §61.56(a) requires as a minimum 1 hour of flight training and 1 hour of ground training on a BFR. The definition of flight training in the new §61.1(b)(6) states: “(6) Flight training means that training, other than ground training, received from an authorized instructor in flight in an aircraft.”

and

the new §61.195(g) states:

(g) Position in aircraft and required pilot stations for providing flight training.

(1) A flight instructor must perform all training from in an aircraft that complies with the requirements of § 91.109 of this chapter.

(2) A flight instructor who provides flight training for a pilot certificate or rating issued under this part must provide that flight training in an aircraft that meets the following requirements —

(i) The aircraft must have at least two pilot stations and be of the same category, class, and type, if appropriate, that applies to the pilot certificate or rating sought.

(ii) For single-place aircraft, the pre-solo flight training must have been provided in an aircraft that has two pilot stations and is of the same category, class, and type, if appropriate.

Thus, the BFR must be performed in at least a 2-place aircraft.

{q&a-28}

61.57

QUESTION: I have a question about Part 61 related to the landings a CFI can use to maintain currency for carrying passengers. FAR 61.57 (a)(1)(i) and (b)(1)(i) stating that the person must be the sole manipulator of the controls seems pretty straight forward to me. However, we've had some discussions about whether FAR 61.51(e)(3) - an authorized instructor may log as PIC time all flight time while acting as an authorized instructor. For example, during the previous 90 days a CFI has one night flight and oversees his student doing 3 landings to a full stop. The CFI never touches the controls. However, the instructor is allowed to log the entire flight as PIC. Does this allow a CFI to count landings by the individual they're instructing toward his/her currency requirements for carrying passengers?

ANSWER: Ref. §61.57(a)(1)(i); No, an instructor cannot maintain/attain the §61.57 recent experience for takeoffs and landings while monitoring and critiquing takeoff and landings performed by another pilot/student. The application of the terminology "must be the sole manipulator of the controls" does apply to your question. Certainly, an instructor could use a takeoff or landing for currency if it is being demonstrated and the instructor is the **SOLE MANIPULATOR OF THE CONTROLS**. The rule [i.e., §61.51(e)(3)] allowing the instructor to log pilot-in-command does not suffice.
{q&a-329}

61.59

QUESTION: Is the lamination of a certificate issued by the FAA considered an alteration?

ANSWER: Ref. §61.59(a)(4); No. The lamination of a certificate issued under part 61 (14 CFR part 61) is not considered an alteration. Letter of legal interpretation from the FAA's Office of Chief Counsel addressing this question is as follows:

Mr. James R. Knight II
Aviation Technical Specialist
Aviation Services Department
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701-4798

Dear Mr. Knight:

This is in response to your letter dated November 8, 1999, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding section 61.59(a)(4) (14 CFR section 61.59(a)(4)). Specifically, you ask whether the lamination of a certificate issued by the FAA would be considered an alteration.

Section 61.59(a)(4) states, in pertinent part, that a person may not make or cause to be made any alteration of any certificate, rating, or authorization under this part.

The lamination of a certificate issued under part 61 (14 CFR part 61) is not considered an alteration. A person may laminate his or her pilot certificate, after he or she signs the pilot certificate, without violating section 61.59(a)(4).

I hope this satisfactorily answers your question.

Sincerely,

Donald P. Byrne, Assistant Chief Counsel, Regulation Division

{q&a-369}

61.60

QUESTION: Per §61.60 a change in permanent mailing address requires written notification of the new permanent mailing address within 30 days to the FAA, Airman Certification Branch. May a person notify the FAA's Airman Certification Branch by e-mail via the Internet and, if so, does that meet the requirements of §61.60 for notification made "**in writing**?"

ANSWER: Ref. §61.60; Yes. Airman Certification Branch management agrees that notifying the FAA by e-mail via the Internet meets the requirements of §61.60. The Internet address to notify the FAA's Airman Certification Branch about a change in their permanent mailing address is:

<http://registry.faa.gov/>

At that site, you'll find a form that may be completed to notify the FAA of a change in permanent mailing address. Other customer services and information may be found at this site.

{q&a-363}

QUESTION 5: Why is the wording in §61.35(a)(2)(iv) worded like:

"(iv) Actual residential address, if different from the applicant's mailing address," but §61.29(d)(2) is worded like:

"(2) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;" and §61.60 is worded like:

§ 61.60 Change of address. The holder of a pilot, flight instructor, or ground instructor certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the certificate unless the holder has notified in writing the FAA, Airman Certification Branch, P.O. Box 25082, Oklahoma City, OK 73125, of the new permanent mailing address, or if the permanent mailing address includes a post office box number, then the holder's current residential address.

The reason the questions was asked is because some flight instructors are police officers, DEA Agents, or FBI who do not give out there resident address.

ANSWER: We will reword §61.35(a)(2)(iv) to read as follows:

(iv) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;

{q&a-33}

61.63

QUESTION 1: As per §61.31(d)(3), does the applicant have to “. . . have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft. . . .” even if during the training the applicant always had the instructor on board?

ANSWER 1: Yes; and the endorsement required would cite §61.31(d)(3). The instructor must make an endorsement in the applicant's logbook similar to the following:

I certify that I have given Mr./Ms. (First name, MI, last name) flight training in the area of operations required to serve as pilot in command in a (category and class of aircraft) and find him/her proficient to act as pilot-in-command in solo flight per §61.31(d)(3) in that category/class of aircraft.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

NOTE: The endorsement does not have to read exactly like this. This is merely an example.

QUESTION 2: Does the applicant need to have received the required solo training and endorsements, as per §61.87, even if during the training the applicant always had the instructor on board?

ANSWER 2: No to citing §61.87 (it does not apply) but yes an endorsement is required. The endorsement required would cite §61.31(d)(3) as in Answer 1 above. Section 61.87 is the solo endorsement for student pilot operations only. Section 61.87 has nothing to do with applicants seeking additional aircraft category and class ratings. This applicant holds a Commercial Pilot Certificate.

QUESTION 4: Per §61.47(b), it says the examiner is not the PIC. Does the applicant have to have received the required solo training and endorsements, as per §61.87, even if during the training the applicant always had the instructor on board?

ANSWER 4: Again, §61.87 does not apply. For your scenario requiring a solo flight from one to another airport the endorsement cited in my Answer 1 above would be required. If no solo flight were involved to get to the examiner, the endorsement would not really be required

since §61.31(k)(2)(i) exempts applicants from the requirements of section §61.31 when taking a practical test given by an examiner. This allows the applicant to act as pilot-in-command during the practical test.

QUESTION 10: §61.63 does not require an applicant for an additional rating to be able to "read, speak, write, and understand the English language." Which means a person who cannot read, speak, write, and understand the English language could obtain additional ratings on their existing certificate.

ANSWER 10: We agree that we should have put that requirement in the §61.63. However, common sense would say that a person who cannot continue to read, speak, write, and understand the English language does not meet the original certification requirements for their certificate and thus would no longer qualify for the pilot certificate.
{q&a-30}

QUESTION 2: RE: 61.63(c)(4) -- Does "need not meet the specified training time requirements" mean the only that portion of the experience requirements involving dual instruction? Must an applicant for an additional class rating also meet the provisions of 61.109(a)(5) or (b)(5), or 61.129(a)(4) or (b)(4), regardless? For instance, if I hold a COM'L AMEL only (many military pilots do) and apply for a COM'L ASEL, must I comply with the single engine solo provisions of 61.129(a)(4)? Must I take a solo 300 NM X/C in a single?

ANSWER 2: [§61.63(c)(4) says "Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought; and" Otherwise, the instructor trains the applicant to pass the practical test. So no the applicant does not have meet the provisions of §§61.109(a)(5), or (b)(5), or 61.129(a)(4) or (b)(4), etc., etc., etc
{q&a-8}

61.65

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” To what standards must applicants “. . . Be able to read, speak, write, and understand the English language. . . .?” To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even “slang terms” or must the applicant only be required to “. . . Be able to read, speak, write, and understand the English language. . . .” as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance,

etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

“D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement.”

{q&a-198}

61.69

QUESTION 1: Who would qualify as the "authorized instructor" in §61.69(a)(3)?

ANSWER 1: Per §61.69(a)(3) which states, "Has a logbook endorsement from an authorized instructor who certifies that the person has received ground and flight training in gliders and is proficient in". The pertinent definition of an "authorized instructor" as per 61.1(b)(2)(ii), which states "A person who holds a current flight instructor certificate issued under part 61 of this chapter when conducting ground training or flight training in accordance with the privileges and limitations of his or her flight instructor certificate; or"

Therefore, the "authorized instructor" in this case would be required to hold a valid and current flight instructor certificate with a glider rating on that flight instructor certificate. And this flight instructor would also have to be appropriately qualified in accordance with §61.69(a). Otherwise, this flight instructor would also have to be qualified to tow gliders [i.e., as required by §61.69(c)].

QUESTION 2: Does the towplane pilot have to be rated/proficient in gliders?

ANSWER 2: Reference §61.69(a)(1) and (2); The towplane pilot doesn't even need to be rated in gliders. As per §61.69(a)(1) and (2), it merely states that:

- (a) No person may act as pilot in command for towing a glider unless that person:
 - (1) Holds at least a private pilot certificate with a category rating for powered aircraft;
 - (2) Has logged at least 100 hours of pilot-in-command time in the aircraft category, class, and type, if required, that the pilot is using to tow a glider;

Therefore, if the tow plane pilot is using a Cessna 305 to tow a glider, that pilot only needs to hold a Private Pilot Certificate with an Airplane Single Engine Land rating [i.e., §61.69(a)(1)] and have logged at least 100 hours of PIC time in a single engine land airplane [i.e., §61.69(a)(2)].
{q&a-253}

QUESTION: Does the endorsement requirement in paragraph 61.69(a)(3) apply to a private pilot with airplane-single engine land and glider who is going to act as "tow-pilot"? It seems this requirement would be met by virtue of having at least a private glider rating. This is evidence of having complied with 61.31 (j)(1)(ii) which appears to cover the endorsement required by 61.69(a)(3).

ANSWER: **YES.** The person must have the endorsement. Ref. section 61.69(a)(3) states:

(a) No person may act as pilot in command for towing a glider unless that person:

* * * * *

(3) **Has a logbook endorsement from an authorized instructor** who certifies that the person has received ground and flight training in gliders and is proficient in--

(i) The techniques and procedures essential to the safe towing of gliders, including airspeed limitations;

(ii) Emergency procedures;

(iii) Signals used; and

(iv) Maximum angles of bank.

{q&a-138}

61.71

III. RECORD OF PILOT TIME. The minimum pilot experience required by the appropriate regulation must be entered. It is recommended, however, that ALL pilot time be entered. If decimal points are used, be sure they are legible. Night flying must be entered when required. You should fill in the blocks that apply and ignore the blocks that do not. Second In Command "SIC" time used may be entered in the appropriate blocks. Flight Simulator, Flight Training Device and PCATD time may be entered in the boxes provided. Total, Instruction received, and Instrument Time should be entered in the top, middle, or bottom of the boxes provided as appropriate.

And per FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6), the FAA expects the examiner to verify that the applicant's aeronautical experience time shown in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) in applicant's "Airman Certification and/or Rating Application" (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating that the applicant is seeking.

The FAA expects an examiner to review Section III - Record of Pilot Time of the Airman Certification and/or Rating Application" (FAA Form 8710-1). However, if the times do not meet

the minimum aeronautical experience requirements and/or the course approval times, then the FAA expects the examiner to inquire why the applicant's times do not meet the requirements. And yes, as I previously mentioned, it may be the school's approved course of training is one that has been approved in accordance with §141.55(d) or (e). But a simple conversation with the Chief Flight Instructor or with the local FSDO (the principal operations inspector who has oversight of the school) should be able resolve any questions.

{q&a-231}

61.73

QUESTIONS ABOUT ISSUANCE OF GLIDER CERTIFICATE/RATING TO CURRENT OR FORMER USAF GLIDER PILOTS:

SITUATION: The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (it is a U.S. Air Force soaring school that provides military pilot training to U.S. Air Force cadre staff for a military pilot qualification in gliders) and whether it is permissible to issue a glider rating at the commercial pilot certificate level under the special rules of §61.73. The scenario involves cadre staff who are current or former rated and active U.S. Air Force military pilots. These cadre staff may or may not hold an FAA pilot certificate. Some hold a Commercial Pilot Certificate with an Airplane Multiengine Land and Instrument Airplane ratings. Others may hold Commercial Pilot Certificate with a Rotorcraft-Helicopter and Instrument-Helicopter rating. For the most part, these pilots qualified for a Commercial Pilot Certificate via the special rules of §61.73. Some hold an ATP Certificate with an Airplane Multiengine Land rating with instrument privileges. And some do not hold any FAA pilot certificate but they are current or former rated and active U.S. Air Force military pilots.

These cadre staff have previously graduated from an United States Air Force's Undergraduate Pilot School and hold U.S. Air Force aeronautical orders that designates them as U.S. Air Force pilots. They have been awarded the official U.S. Air Force wings as a rated and qualified U. S. Air Force pilots. They have completed their undergraduate pilot training at a U.S. Air Force's Undergraduate Pilot Training school. As for example (e.g., the following list is examples of some of the current or past U.S. Air Force Undergraduate Pilot Training schools This list is not meant or intended to be an all-inclusive list because there have been numerous base closings), the person graduated from one of the U.S. Air Force's Undergraduate Pilot Training school which may have been from:

1. Vance AFB, Enid, OK
2. Sheppard AFB, Wichita Falls, TX
3. Columbus AFB, Columbus, MS
4. Laughlin AFB, TX
5. In the case of U.S. Air Force pilots who undergo helicopter qualification, the U.S. Army's Undergraduate Pilot Training school at Ft. Rucker, AL
6. Some U.S. Air Force pilots complete the final stage of their pilot training in the T-44 at the U.S. Navy's Undergraduate Pilot Training school at Corpus Christi, TX.

They are assigned at the U.S Air Force Academy in Colorado Springs, CO. And they receive pilot training and qualification in a glider at the U.S Air Force Academy's 94th Flying Training Squadron. At the conclusion of their military pilot qualification training in gliders, these rated and active U.S. Air Force military pilots get rated and qualified as military pilots in gliders [otherwise they have complied with §61.73(b)]. This U.S Air Force Academy's soaring school is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these current or former rated and active U.S. Air Force military pilots complete their glider qualification at the U.S. Air Force Academy's 94th Flying Training Squadron, they receive an official PIC checkout in gliders [otherwise, they have complied with §61.73(d)(1) minus the instrument proficiency check in gliders]. However, these current or former rated and active U.S. Air Force military pilots can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

QUESTION 1: Is it permissible to issue the glider rating to a current or former rated and active U.S. Air Force military pilot who already holds an FAA pilot certificate and who qualifies for a military pilot qualification in a glider through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves cadre staff who are current or former rated and active U.S. Air Force military pilots and who hold an FAA pilot certificate and who complete a military pilot qualification in gliders through the U.S. Air Force Academy's soaring school.

ANSWER 1: Ref. §61.73(a) and FAA Order 8700.1, chapter 28, paragraph 5.C.; These cadre staff are current or former rated and active U.S. Air Force military pilots. They already hold an FAA pilot certificate and complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron. These cadre staff may be issued a glider rating at the Commercial Pilot Certificate level, provided the following evidentiary documents are presented to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

- a. An U.S. Armed Force official identification card issued to that applicant.
- b. An official U.S. Air Force documentation that shows the applicant designated as a military pilot in the U.S. Air Force. Typically, an U.S. Air Force aeronautical order that states that the applicant has been assigned pilot duties under a "pilot" or "copilot" duty position may be used to satisfy this requirement. A "student pilot" aeronautical order does not satisfy this requirement.
- c. An official U.S. Air Force's Undergraduate Pilot Training school graduation certificate that shows the applicant graduated from one of the U.S. Air Force's Undergraduate Pilot Training schools.
- d. An official U.S. Air Force pilot record that shows the applicant having satisfactorily accomplished a U.S. Air Force checkout as pilot in command in gliders. Typically, the U.S. Air Force's Form 8 may be used to satisfy this requirement.

- e. An official U.S. Air Force pilot record that shows the applicant having accomplished at least 10 hours of pilot-in-command time in a glider during the 12 calendar months before the month of application. Typically, a U.S. Air Force flight time database printout may be used to satisfy this requirement.
- f. The applicant must submit a signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application.

Then the applicant may be issued a temporary airman certificate (FAA Form 8060-4) that adds the glider rating.

QUESTION 2: Is it permissible to issue the glider rating to a current or former rated and active U.S. Air Force military pilot who does not hold an FAA pilot certificate, but who qualifies for a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves cadre staff who are current or former rated and active U.S. Air Force military pilots but who do not hold an FAA pilot certificate, but who complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron.

ANSWER 2: Ref. §61.73(a) and FAA Order 8700.1, chapter 28, paragraph 5.C.; First the applicant must accomplish the knowledge test [i.e., as per §61.73(b)(1), Military Competency - Airplane or Military Competency – Helicopter knowledge test, as appropriate to the military pilot qualification held] and then be issued the appropriate Commercial Pilot Certificate with the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held. Then these cadre staff may be issued a glider rating at the Commercial Pilot Certificate level provided the following evidentiary documents are presented to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

- a. An U.S. Armed Force official identification card issued to that applicant.
- b. An official U.S. Air Force documentation that shows the applicant designated as a military pilot in the U.S. Air Force. Typically, an U.S. Air Force aeronautical order that states that the applicant has been assigned pilot duties under a "pilot" or "copilot" duty position may be used to satisfy this requirement. A "student pilot" aeronautical order does not satisfy this requirement.
- c. An official U.S. Air Force's Undergraduate Pilot Training school graduation certificate that shows the applicant graduated from one of the U.S. Air Force's Undergraduate Pilot Training schools.
- d. The applicant must accomplish the knowledge test for the Military Competency - Airplane or Military Competency – Helicopter knowledge test, as appropriate to the military pilot qualifications held.
- e. An Airman Computer Test Report – Military Competency - Airplane or Military Competency – Helicopter knowledge test, as appropriate, that shows the applicant having satisfactorily accomplished a score of at least 70% or higher grade.

f. The applicant must submit a signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application for the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held.

Then the applicant may be issued a temporary airman certificate (FAA Form 8060-4) with the appropriate aircraft rating and instrument rating that is appropriate to the military pilot qualifications held. Then the applicant must present the following evidentiary documents to an Aviation Safety Inspector or Aviation Safety Technician at a Flight Standards District Office:

g. An official U.S. Air Force pilot record that shows the applicant having satisfactorily accomplished a U.S. Air Force checkout as pilot in command in gliders. Typically, the U.S. Air Force's Form 8 may be used to satisfy this requirement.

h. An official U.S. Air Force pilot record that shows the applicant having accomplished at least 10 hours of pilot-in-command time in a glider during the 12 calendar months before the month of application. Typically, a U.S. Air Force flight time database printout may be used to satisfy this requirement.

i. The applicant must submit another signed and completed FAA Form 8710-1, Airman Certificate and/or Rating Application for the glider rating.

Then the applicant may be issued another temporary airman certificate (FAA Form 8060-4) that adds the glider rating.

QUESTION 3: Is it permissible to issue the glider rating to recent U.S. Air Force academy graduates who may or may not hold an FAA pilot certificate but who have qualified in gliders through U.S. Air Force Academy's 94th Flying Training Squadron? If it is possible, at what pilot certificate level should the glider rating be issued at?

The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (they provide military training to U.S. Air Force recent graduates for qualification in gliders) and whether it is permissible to issue a glider rating at the Commercial Pilot Certificate level under the special rules of §61.73. In this scenario, it involves U.S. Air Force Academy graduates who have completed the U.S. Air Force Academy's 94th Flying Training Squadron for pilot qualification in gliders. At the conclusion of their pilot qualification training in gliders at the U.S. Air Force Academy 94th Flying Training Squadron, these U.S. Air Force Academy graduates get military rated and qualified in gliders [otherwise they have complied with §61.73(b)]. This U.S. Air Force Academy's 94th Flying Training Squadron is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these recent graduates from the U.S. Air Force Academy complete their pilot training in gliders at the U.S. Air Force's 94th Flying Training Squadron, they receive an official military rating checkout in gliders [otherwise they have complied with §61.73(d)(1) minus the instrument proficiency checkout]. However, these recent graduates from the U.S. Air Force Academy can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of

pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

ANSWER 3: Ref. §61.73(b)(3)(i) and (h)(3)(i) or (iii); Do not issue a glider rating to these recently graduated U.S. Air Force graduates. These U.S. Air Force Academy graduates are not rated military pilots. Nor can these U.S. Air Force Academy graduates show orders designating them as an United States Air Force pilots. Nor can these U.S. Air Force Academy graduates show a graduation certificate of having graduated from the United States Air Force Undergraduate Pilot Training School. Nor can these U.S. Air Force Academy graduates show that they have been awarded U.S. Air Force pilot wings. So the answer is no, they may not be issued a glider rating.

QUESTION 4: Is it permissible to issue the glider rating to U.S. Air Force Academy cadets who may or may not hold an FAA pilot certificate but who have qualified for a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron? This question involves U.S. Air Force Academy cadets who complete a military pilot qualification in gliders through the U.S. Air Force Academy's 94th Flying Training Squadron.

The situation involves the U.S. Air Force Academy's 94th Flying Training Squadron (they provide military training to U.S. Air Force cadets for qualification in gliders) and whether it is permissible to issue a glider rating at the Commercial Pilot Certificate level under the special rules of §61.73.. In this scenario, it involves U.S. Air Force Academy cadets who have completed the U.S. Air Force Academy's 94th Flying Training Squadron for pilot qualification in gliders. At the conclusion of their pilot qualification training in gliders at the U.S. Air Force Academy's 94th Flying Training Squadron, these U.S. Air Force Academy cadets get military rated and qualified as pilots in gliders [otherwise they have complied with §61.73(b)]. This U.S. Air Force Academy's 94th Flying Training Squadron is an official U.S. Air Force flight training school and the gliders used in the school are the property of the U.S. Air Force.

When these cadets from the U.S. Air Force Academy complete their pilot qualification in gliders at the Air Force Academy's 94th Flying Training Squadron, they receive an official military pilot rating checkout in gliders [otherwise they have complied with §61.73(d)(1) minus the instrument proficiency checkout]. However, these recent graduates from the U.S. Air Force Academy can show at least 10 hours of pilot-in-command time in gliders (emphasis added at least 10 hours of pilot-in-command time in gliders) and can show that it was accomplished during the preceding 12 calendar months [i.e., §61.73(d)(2)].

ANSWER 4: Ref. §61.73(b)(3)(i) and (h)(3)(i) or (iii); Do not issue a glider rating to these U.S. Air Force cadets. These U.S. Air Force Academy cadets are not rated military pilots. Nor can these U.S. Air Force Academy cadets show documentation designating them as an United States Air Force pilots. Nor can these U.S. Air Force Academy cadets show a graduation certificate of having graduated from the United States Air Force Undergraduate Pilot Training school. Nor can these U.S. Air Force Academy cadets show that they have been awarded U.S. Air Force pilot wings. So the answer is no, they may not be issued a glider rating.

{q&a-405}

QUESTION: Request for an explanation of the intent 14 CFR § 61.73(c)(1) "Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; and" Otherwise, what is meant by the phrase ". . . Pass the appropriate knowledge and practical tests prescribed in this part . . ." And as a follow-on, explain the intent of ". . . or meet the requirements of § 61.73 . . ." in § 61.123(h)?

ANSWER: Ref. §61.73(c)(1) and § 61.123(h)

This question was copied from an official response to an inquiry from James B. Friel, Principal Operation Inspector, AWP FSDO No. 15, San Jose, CA

Reference your request for an explanation of the intent Title 14 CFR, section 61.73(c)(1) and (2).

In Mr. Morris' situation, he did not take advantage of his military aviation service when it would have been permissible for him to have merely accomplished the military competency knowledge test. Otherwise, he missed the opportunity to apply directly for a commercial pilot certificate with an instrument rating by accomplishing the military competency knowledge test. Therefore, Mr. Morris must comply with Title 14, CFR section 61.73(c)(1) and (2) to obtain a pilot certificate and ratings. The intent of Title 14, CFR section 61.73(c) allows for recognizing Mr. Morris' military flight experience (i.e., his logged flight/aeronautical experience). Per Title 14, CFR section 61.73(c)(1), Mr. Morris must ". . . Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; . . ." Otherwise, he is allowed to apply directly for a commercial pilot certificate with the appropriate aircraft and instrument ratings in accordance with Title 14, CFR section 61.123 [minus the requirements of paragraph (h) of Title 14, CFR section 61.123 of having to hold a private pilot certificate because he does ". . . meet the requirements of § 61.73(c)"].

We realize this is a change from the answer provided in Q&A 133 on the AFS-600's Q&A web site. As a result of your inquiry and a review of Q&A 133 by our Office of Chief Counsel, AGC-200, AGC has recommended this answer be changed to reflect their legal interpretation of Title 14, CFR section 61.73(c)(1) (i.e., ". . . Pass the appropriate knowledge and practical tests . . ."). Q&A 133 will be changed on the next update of our Q&A web site.

In accordance with Title 14, CFR section 61.73(c)(2), Mr. Morris must also ". . . Present documentation showing that . . ." he was a rated military pilot on active flying status in an armed force of the United States [i.e. Title 14, CFR section 61.73(b)(3)(i)]. Otherwise, Mr. Morris must have been a rated military pilot in an armed force of the United States at sometime in his life, but he just wasn't on active flying status within the preceding 12 calendar months prior to the month of application.

Answered by John M. Wensel, Manager, Certification Branch, AFS-840
{q&a-398}

61.83

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” To what standards must applicants “. . . Be able to read, speak, write, and understand the English language. . . .?” To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even “slang terms” or must the applicant only be required to “. . . Be able to read, speak, write, and understand the English language. . . .” as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

“D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement.”

{q&a-198}

61.87

QUESTION: What do the new rules state in regard to student pilots flying single place aircraft in solo flight?

ANSWER: The new rules that address student pilots flying single place aircraft in solo flight are in § 61.87(l) and (n) which states:

(l) Limitations on student pilots operating an aircraft in solo flight. A student pilot may not operate an aircraft in solo flight unless that student pilot has received:

(1) An endorsement from an authorized instructor on his or her student pilot certificate for the specific make and model aircraft to be flown; and

(2) An endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor, who gave the training within the 90 days preceding the date of the flight.

(n) Limitations on flight instructors authorizing solo flight.

(1) No instructor may authorize a student pilot to perform a solo flight unless that instructor has —

(i) Given that student pilot training in the make and model of aircraft or a similar make and model of aircraft in which the solo flight is to be flown;

(ii) Determined the student pilot is proficient in the maneuvers and procedures prescribed in this section;

(iii) Determined the student pilot is proficient in the make and model of aircraft to be flown;

(iv) Ensured that the student pilot's certificate has been endorsed by an instructor authorized to provide flight training for the specific make and model aircraft to be flown; and

(v) Endorsed the student pilot's logbook for the specific make and model aircraft to be flown, and that endorsement remains current for solo flight privileges, provided an authorized instructor updates the student's logbook every 90 days thereafter.

(2) The flight training required by this section must be given by an instructor authorized to provide flight training who is appropriately rated and current.

The preamble in the new Part 61 final rule that was issued on April 4, 1997 states:

“The FAA has modified § 61.87(c)(2) to permit a student pilot to demonstrate flight proficiency in a similar make and model of aircraft to that in which the student pilot will conduct solo flight. The FAA notes that similar make and model aircraft should be of a similar design, with similar operating, performance, flight, and handling characteristics. The revision made by the FAA to the proposal made in Notice No. 95-11 will apply to all categories and classes of aircraft. As examples, the proposed revision will permit a student pilot to receive flight training in a Schweizer 2-33 and solo a Schweizer 1-26, or receive flight training in a two-place gyroplane but solo in a single-place version of that same gyroplane, even though the single-place version has a slightly smaller powerplant. The FAA also notes that a flight instructor must endorse a student pilot for solo flight in the actual make and model aircraft in which the student pilot will conduct flight operations.”

{q&a-5}

QUESTION 2: Secondly....what happens to that endorsement on the 91st day? Is it your intention that the student must repeat the training previously received more than 90 days ago, or can the instructor simply sign off the student without additional instruction? §61.87(n)(1)(v) suggests that the original endorsement remains current provided the instructor "updates" the student's logbook every 90 days. I'm not quite sure what you mean by "update." Must the CFI make another endorsement, or do they simply have to show that the instructor has flown with the student within the last 90 days on some kind of instructional flight?

ANSWER 2: You do it just like any 90 day endorsement that expires. The flight instructor will need to re-sign the endorsement to permit the student to solo. If that instructor elects to give all the training required for a student to solo again then it is the instructor's call. However, in the "real world" most instructors who have been monitoring their student's training all along may give the re-endorsement if the instructor believes his or her is still proficient to continue to make solo flights without any specific amount of training given. It is the instructor's call! We believe the instructor knows his or her student's capabilities best.

QUESTION 3: The new rule says you must have an endorsement on the student pilot certificate for the make and model aircraft; and an endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor who gave the training within the 90 days preceding the flight. What do you mean by "gave the training?" Would the instructor providing this endorsement have to give the student all of the training required under 61.87(d)? If so, how do you handle a transfer student? Would you have to give that student all of the training in paragraph (d), or simply fly with them to verify their competency, and confirm they meet all the requirements for solo flight?

ANSWER 3: On a re-endorsement situation, read my answer on Q2 above. In the case of a transfer student between instructors, IF I WERE THE INSTRUCTOR taking over this student, I certainly would want to assure myself this student is proficient to solo. And yes, I would give the student enough training where I could say to myself, yes the student is proficient. But no place in the rule does it require this, IT IS THE INSTRUCTOR'S CALL TO MAKE! But instructor's beware, because you all are responsible for your students. Morally and legally.
{q&a-12}

QUESTION: I have a question and some confusion on the new FAR 61.87 and 61.93 regarding the endorsement and training for "similar make and model of aircraft to be flown"..

Specifically, if a CFI endorses the student pilot certificate and logbook for a Cessna 150, could the student legally solo a Cessna 152, without a Cessna 152 endorsement in the logbook, if the CFI judged that the student demonstrated satisfactory proficiency and safety in the Cessna 152? If so, could the student also do solo cross-country in the Cessna 152?

Appreciate your response as I seem to be confused one exactly what the responsibilities and privileges are.

ANSWER: Read very carefully the words in §61.87(l)(2) and (n)(1)(v). It means the instructor must endorse the student's logbook for "the specific make and model to be flown." As an example, the student may receive flight training in a Cessna 150, but flies the Cessna 152 solo. The student will need a solo endorsement from his or her instructor for the Cessna 152 [specific make (Cessna) and model (152)]. Read the rules [i.e., §61.87(n)(1)(i) and (iii)] which govern the instructor's responsibilities to ensure their students are proficient in "the specific make and model to be flown." Therefore in answer to your specific question, the student must have an endorsement in his or her certificate and logbook for operating a Cessna 152 in solo flight. And if the student ever solo's a Cessna 150, the student's certificate and logbook must also contain a solo endorsement for the Cessna 150.

Notice the word "training" contained in §61.87(n)(1)(i), the rule does not specify whether the "training" has to be flight, ground, or both. We deliberately stated it that way to give the instructor liberty to train the student in a Cessna 150 and then endorse that student in "similar make and model of aircraft" Cessna 152 for solo flight. Read the FAA's Response on pages 16258-16259, beginning on the 3rd column, under the caption Section 61.87(c).

And even though you didn't ask the question, could a flight instructor provide "flight training" to a student in a Cessna 150 and then solo that student in a Cessna 172. The answer is yes, provided the student has received the proper solo endorsement and "training" for a Cessna 172. Could that same student receive flight training in a Piper PA 38-112 and then solo a Cessna 152. The answer is yes, provided the student has received the proper solo endorsement and "training" for a Cessna 152. But the instructor should be careful to ensure their student is capable of handling this kind of difference going from a Piper product to a Cessna product. The entire purpose of the rewrite of Part 61 is to place more responsibility on the instructor who knows his or her student best. Instructors beware, don't let us down.

{q&a-19}

61.93

QUESTION: Local instructors believe they can no longer sign off their fellow instructors students for solo-cross-country, because of 61.93(d)(3), unless the instructor has flown with that person. If a student has a unforecast weather problem and has to stay overnight how can an instructor at a distant airport sign a student off to go back home even if he has talked to the students instructor?

ANSWER: Ref. §61.93(d)(3); The rule doesn't prevent an instructor from signing a student off for a cross country flight as was permitted under the old §61.93. They're reading too much into the new §61.93. The rule merely states "Determines that the student is proficient to conduct the flight safely."

And how does an instructor determine a student is proficient? Well, it MAY be merely reviewing the student's cross country planning. Or it MAY involve questioning the student on cross country procedures. Or it MAY involve both reviewing and questioning. Or it MAY involve some flying with the student. Or it MAY involve any of a number of ways instructors can DETERMINE whether a student is proficient to conduct the flight safely! Otherwise, the rule gives the instructors the benefit of the doubt for having judgment and being able to "determine".

No, we won't be starting up a new rulemaking action to write a definition of "DETERMINE" in §61.1.

{q&a-168}

61.96

QUESTION: Ref. the English language eligibility requirements for pilot certificates and rating [i.e., §§61.65(a)(2), 61.83(c), 61.96(b)(2), 61.103(c), 61.123(b), 61.153(b), 61.183(b), and 61.213(a)(2)] requires an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” To what standards must applicants “. . . Be able to read, speak, write, and understand the English language. . . .?” To college level standards? Must the applicant be able to fully understand the English language even to the level of conversation English? As an example, does the applicant need to be able to understand conversation English to include even “slang terms” or must the applicant only be required to “. . . Be able to read, speak, write, and understand the English language. . . .” as the kind of English language phraseology that relate to ATC instructions or an ATC clearance?

ANSWER: The intent of the English language eligibility rules that require an applicant to “. . . Be able to read, speak, write, and understand the English language. . . .” was only intended to be the kind of English language that relate to ATC instructions, or an ATC clearance, etc. The soon to be published revision to FAA Order No. 8700.1 where this issue is discussed, we stated the following:

“D. English Language Requirement.

(1) Several questions have been raised concerning the standards and the testing to determine whether an applicant can read, speak, write, and understand the English language. While there are no practical test standards established to ascertain the applicant's English language ability, the following examples may be used as guidelines in this evaluation:

(a) An examiner or inspector may ask the applicant to listen to a tape recording of an ATC clearance or instructions, then ask the applicant to speak and explain the clearance or instructions back to the examiner in the English language.

(b) An applicant may be asked to write down in English the meaning of an ATC clearance, instructions, or a weather report, then asked to speak and explain the clearance, instructions, or weather report back to the examiner in the English language.

(c) The intent is not to require the applicant to read, speak, write, and understand the English language at college level standards. A common sense approach should be used in evaluating an applicant for this requirement.”

{q&a-198}

61.97 & 61.98

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.

The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e., “. . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.”) But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

“A person who is applying for a . . . pilot certificate must receive and log . . . training from an authorized instructor . . .”

This says exactly what it says (i.e., “. . . must receive and log . . . training from an authorized instructor . . .”

And per §61.189(a), it states:

“. . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training”

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

I certify that I have given (First name, MI, last name) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.

{q&a-206}

61.105 & 61.107

QUESTION 6: Situation is, I am a flight instructor and I have a student who is a Private Pilot and is rated in a single engine land airplane. This pilot is not seeking any further rating, but wants me to give him flight training on "stall awareness, spin entry, spins, and spin recovery techniques" just like it says in §61.105. The question is under §91.307(c) are parachutes required for this kind of training?

ANSWER 6: §61.105; No parachute is required. Historically the FAA's position on this issue, we have determined since this training is a private pilot requirement that is addressed in §61.105 as an aeronautical knowledge training area and the person is merely receiving training on a piloting skill that is a pilot certification requirement for receiving, and for maintaining, that private pilot certificate, parachutes are NOT required. The rationale of this determination, also covers student pilots, commercial pilots, airline transport pilots, and flight instructors. But as always, the FAA would never discourage the use of parachutes.

{q&a-136}

61.109

QUESTION: First, given the definition of flight training in 61.1(b)(6) and training time in 61.1(b)(15), all of which must be received from an authorized instructor, how can there be such a thing as "solo flight training?"

ANSWER: In answer to your first question, yes we admit you have a point. However, try to write or even understand the rule by leaving off the word "training" in the context you have noted. We had to differentiate between "dual" flight training vs. "solo" flight training. We could have used the words "solo" and "dual" but we didn't. "Solo flight training" means the applicant must be solo.

It doesn't mean sole manipulators of the controls, IT MEANS SOLO! It doesn't permit a student to have another person on board. IT MEANS SOLO! So, if the student has another person on board, the student is not solo.

QUESTION: Second, I have assumed that the requirements in 61.109(a)(1), (2), (3), and (4) are included in the "20 hours of flight training from an authorized instructor" (in other words, dual), however, the way paragraph (a) reads, they could be included in the "10 hours of solo flight training." Should this be clarified?

In consideration of the preamble discussion, I would like to suggest rewording paragraph (a) to substitute "solo flight time" for "solo flight training," and insert "flight" in the last line so it would read, "and the flight training must include..."

ANSWER: Your second question, subparagraphs (1) through (4) of §61.109(a) is "dual" flight training and subparagraphs (i) through (iii) of §61.109(a)(5) is solo flight time.
{q&a-18}

QUESTION: I am having trouble deciphering the required total time, dual time, and solo time for applicants of private pilot-glider ratings?

ANSWER: The answer is for the private pilot glider applicant is covered by the corrected §61.109(f) which states:

(f) For a glider category rating:

(1) If the applicant for a private pilot certificate with a glider category rating has not logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, at applicant must log at least 10 hours of flight training in a glider including 20 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include –

(i) 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed; and

(ii) Three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test.

(2) If the applicant has logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least 3 hours of flight training in a glider including 10 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include —

(i) 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6) of this part that apply to gliders; and

(ii) Three training flights in preparation for the practical test within the 60-day waiting period preceding the test.

Otherwise in simple terms paragraph (f)(1) requires for private pilot applicants that **have not** logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, the applicant must log at least--

1. A total of at least 10 hours of flight training in a glider

a. 20 training flights performed on the areas of operation listed in § 61.107(b)(6) that includes three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test; and

b. 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed

or

Otherwise in simple terms paragraph (f)(2) requires for private pilot applicants for the applicant that **has** logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least--

2. 3 hours of flight training in a glider

- a. 10 training flights performed on the areas of operation listed in § 61.107(b)(6) that includes three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test; and
- b. 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6).

{q&a-35}

61.113

QUESTION: § 61.113(c) says, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees."

So in the case of a charitable airlift, which is certainly a flight with passengers, it would seem that for each such flight, the charitable organization could reimburse his expenses, up to the pro rata limit defined by §61.113(c)?

And I have a legal interpretation from 1990 [Doc #: 1990-41; written by Mr. Michael E. Chase from the FAA's Office of Chief Counsel, dated December 7, 1990; titled as "FAR Section 61.118(d) Charitable Organization Exception"] regarding aircraft flights for charity. Would that still be valid for §61.113?

ANSWER: Ref. § 61.113(c) and (d); A private pilot, who is merely serving as a pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization described in § 61.113(d) [i.e., like the "10 cents per pound charitable airlifts"] is not required to pay for fuel, oil, airport expenditures, or rental fee expenses. The charitable organization may legally pay for those expenses.

But this exception provision to the "compensation or hire" issue for private pilots in § 61.113(d) does not in anyway permit compensation in the form of a monetary payment for piloting services. Otherwise, don't take liberties with § 61.113(d)!

As for the question pertaining to the legal interpretation #1990-41, written by Mr. Michael E. Chase from the FAA's Office of Chief Counsel, dated December 7, 1990, and titled as "FAR Section 61.118(d) Charitable Organization Exception" [i.e., *old §61.118(d) which is now paragraph (d) of §61.113*] that legal interpretation was based on a specific question relating to the arrangements for payment for fuel and oil costs when a private pilot utilizes his/her own aircraft for a passenger-carrying airlift sponsored by a charitable organization. In that legal interpretation, Mr. Michael E. Chase stated the following:

" . . . For many years charitable organizations used the "Charity Airlift" as a means of raising funds. In such an airlift, the charitable organization offered an airplane ride in exchange for a personal donation. Many of the rides were given in aircraft furnished and operated by the private pilots who provided their services without compensation. The money donated by the passengers was retained by the charitable organization, and no payment for the service rendered was made to the pilot or aircraft owner; however, in some case the organization paid for or supplied the fuel and oil consumed during the flights"

Mr. Chase's legal interpretation is still valid as it relates to the arrangements for payment of expenses when a private pilot utilizes his/her own aircraft for a passenger-carrying airlift sponsored by a charitable organization, provided the operation conforms with § 61.113(d).

And continuing on as a matter of discussion about § 61.113, Mr. Chase has stated that although § 61.113 may be less than crystal clear, it is the legal opinion of the FAA's Office of Chief Counsel, AGC-240, that paragraphs (d) and (e) are considered separate and distinct exceptions to the general limitations on the "compensation or hire" issue for private pilots. For example, if a private pilot is doing a search and location mission [as covered under paragraph (e) of § 61.113], a private pilot may be reimbursed for ALL of the identified expenses associated with that search and location mission. And it DOES NOT matter if another person is on board the aircraft in a search and location mission or not! Otherwise, if a private pilot is doing a search and location mission [as covered by paragraph (e) of § 61.113], then the sharing of expenses as addressed in paragraph (c) of § 61.113 does not come into play.

Although paragraph (c) of § 61.113, states "A private pilot may not pay less than the pro rata share of the operating expenses . . ." that rule is intended for an arrangement like a situation described in paragraph (b) of § 61.113 (i.e., incidental to any business or employment). For example, a private pilot and some coworkers agree to fly from their home in Topeka, KS to Oklahoma City, OK for a business meeting. The flight is incidental to any business or employment that private pilot is involved in. Otherwise, the provision ". . . incidental to any business or employment . . ." means the private pilot's employment/business does not involve "air commerce," "air carrier," or "air transportation" operations. The flight may be ONLY ". . . incidental to any business or employment . . ." of that private pilot. And this example, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees."

If a private pilot is conducting a flight that fits into the ". . . flight is only incidental to that business or employment . . ." exception [i.e., paragraph (b)(1) of § 61.113], it is legal for a private pilot to be reimbursed by his/her employer regardless of whether any other passengers are carried or not. Thus for example, a wife or husband of a private pilot may go along on a flight, and in essence get a "free" ride. This kind of flight [i.e., ". . . flight is only incidental to that business or employment . . ."] is an exception to the shared expense provisions of paragraph (c).

And another example of what is NOT legal under § 61.113(b)(1). Lets say a private pilot attempts "pull the wool" over on the FAA by saying he/she is in the fishing boat charter business. However, the FAA notices that this private pilot does some local advertisements with flyers and in the newspaper about weekend fishing trips with just ". . . his friends . . ." from their homes in Oklahoma City, OK to Padre Island, TX for fun-filled weekend fishing trips. The private pilot utilizes his/her own airplane or rents the airplane from another party. And again the private pilot tries to "pull the wool" over on the FAA by saying these weekend flights are ONLY ". . . incidental to any business or employment . . ." And again this private pilot tries to "pull the wool" over on the FAA by saying he/she owns a fishing chartering business but doesn't charge ". . . my friends . . ." for the flight. He/she says the charges are only for the fishing boat rides and there is no charge for the airplane flight. Don't try it! Don't take liberties with § 61.113(b)(1)!

{q&a-400}

QUESTION: Do the FAR's address the carrying passengers while towing gliders (or banners)? I have been told that only required crew may be aboard the tow aircraft. However I can not find this in the FAR's.

ANSWER: Ref. §61.113 and §61.69; There is no prohibition to carry passengers while performing the duties of a glider tow pilot. Of course, the pilot must meet requirements of section 61.69. That section does not place any limitation upon caring a passenger. The privilege to perform as a glider tow pilot under section 61.113 does not place any such limitation. In fact, it gives this privilege to a private pilot and private pilots have the privilege of caring passengers. {q&a-330}

QUESTION: (1) In the context of operations conducted by the Civil Air Patrol, the revised FAR 61.113(e) provides that a private pilot may be reimbursed "...for aircraft operating expenses that are DIRECTLY RELATED TO SEARCH AND LOCATION OPERATIONS, provided the expenses involve only fuel, oil, airport expenditures, or rental fees..." This has given rise to some troubling questions. For example, if a CAP member, who is a private pilot, rents an airplane to assist with a search operation, it seems clear under the regulation he may be reimbursed his out-of-pocket "...fuel, oil, airport expenditures, or rental fees..." So far so good, the CAP member private pilot has not lost any money. But what if the same CAP member owns his own airplane--was it the intent of the new regulation that such a pilot may rent it to CAP to recover his out-of-pocket costs or was the intention of the new rule to require such a private pilot member of CAP to either not fly the mission or assume the aircraft operating expenses himself ?

(2) Another troubling question is, if CAP wants a member, who is a private pilot, to give orientation flights to its cadets members, or fly himself or other CAP members to a CAP meeting or participate in training flights, was it the intent of the new rule that such flights be treated as "directly related to search & location operations" ? If not, is there some way the private pilot can be reimbursed the same out-of-pocket "...fuel, oil, airport expenditures, or rental fees..." ? Or is the intent and effect of the new rule to force a private pilot volunteer to CAP to assume or part of that out-of-pocket financial burden himself or forego making the flight?

ANSWER 1: Ref. §61.113(e); The answer is no, ownership costs are not reimbursable costs. The rulemaking team that drafted this rule specifically intended not to include ownership costs in reimbursable costs. The decision was based on the realization that trying to establish what would be REASONABLE reimbursement ownership costs was impossible to establish. Additionally, the decision was based on the conditions and limitations that were contained in past grants of exemption from the old §61.118 which was the basis for adopting §61.113.

ANSWER 2: Ref. §61.113(a); No, there is no way for a private pilot to recover such costs. The rulemaking team that drafted this rule did not consider expanding those kinds of privileges to private pilots. With what was adopted in the new §61.113, the line between the privileges and limitations of the private pilot vs. the commercial pilot is getting more and more narrow! However, the Civil Air Patrol has petitioned for a grant of exemption and I know your petition is being processed at this time.

{q&a-162}

QUESTION: I have reviewed your question in which you asked whether a private pilot may receive compensation while towing gliders, in accordance with the new §61.113(g).

ANSWER: The answer is no, a private pilot may not receive compensation for towing a glider.

The intent, and the wording of the new §61.113(g), was to permit a private pilot who meets the requirements of §61.69 of this part to “. . . act as pilot in command of an aircraft towing a glider” for the purpose of logging pilot in command (PIC) time. The new rule was never intended to conflict with the FAA’s long standing legal interpretations and policies on compensation for private pilots. And the wording of the new §61.113(g) only addresses the issue that permits a private pilot to “. . . act as pilot in command of an aircraft towing a glider” for the purpose of permitting a private pilot to **log** pilot in command time. As you recall, the wording of the old §61.69 permitted a private pilot to act as a PIC but was moot on logging the time. The new §61.113(g) was issued to correct it.

However, we agree the wording of the new §61.113(a) may be confusing. In the next go-around on correcting some of the wording mistakes, we have recorded it as a candidate for correction to conform the intent and the wording of §61.113(g).

{q&a-72}

61.125

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.

The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence of your statement in your question above (i.e., “. . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.”) But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

“A person who is applying for a . . . pilot certificate must receive and log . . . training from an authorized instructor . . .”

This says exactly what it says (i.e., “. . . must receive and log . . . training from an authorized instructor . . .”

And per §61.189(a), it states:

“. . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training”

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

I certify that I have given (First name, MI, last name) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.
{q&a-206}

61.127

QUESTION: §§61.65, 61.105, 61.107, etc. all state that a person must receive and log ground and flight training in the various areas of operations. If an applicant arrives for the practical test and he does not have record of logged ground and flight training, I do not consider the applicant eligible to take the test even though he has the necessary endorsements. I am constantly being told that the endorsements suffice.

The question is: Am I correct in assuming that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done?

ANSWER: Ref. §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a); No, you are not correct in your assumption; Now I may be misreading the essence

of your statement in your question above (i.e., “. . . that if there is no record or only partial records of logged ground and flight training that the applicant is not eligible to take the practical test regardless of whether the applicant has the endorsements stating such was done.”) But it appears to me that you are asking the FAA to sanction your opinion that the instructor must describe in detail every subject that he or she provided training to the student. As an example, in §61.97(a) or §61.98(a) or §61.105(a) or §61.107(a) or §61.125(a) or §61.127(a), etc., where it states, in pertinent part:

“A person who is applying for a . . . pilot certificate must receive and log . . . training from an authorized instructor . . .”

This says exactly what it says (i.e., “. . . must receive and log . . . training from an authorized instructor . . .”

And per §61.189(a), it states:

“. . . A flight instructor must sign the logbook of each person to whom that instructor has given flight training or ground training . . .”

No place in the regulation or in any of our FAA Orders does it require the instructor to describe in detail every subject that he or she provided training to the student. Therefore, as example, if I find in student's logbook, training record, training tabulation sheet, or whatever you all want to call a logbook the following endorsement then that is sufficient. I would accept the following as meeting the requirements of §61.189(a) and for also meeting the student's training requirements for §61.105:

I certify that I have given (First name, MI, last name) the ground training required by §61.105(b), and that he/she is prepared for the required knowledge test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

And I would accept the following as meeting the requirements of §61.189(a) and for also meeting the flight training requirements of §61.107:

I certify that I have given (First name, MI, last name) the ground and flight training required by §61.107(b)(1) through (8) (as appropriate), and find him/her proficient to perform each area of operation safely as a private pilot, and that he/she is prepared for the required practical test.

S/S [date] J.J. Jones 987654321CFI Exp. 12-31-99

Keep in mind folks, this is a logbook we're talking about here. We're not asking the instructor to write a "James Mitchner style novel" in recording the training given.

{q&a-206}

61.129

QUESTION: §61.129(a)(1) calls for 100 hours in powered aircraft for commercial pilot applicants. A foreign applicant taking training for a U.S. commercial certificate in Wichita, KS has significant flight time in a self-launching motor glider.

Is a self-launching motor glider a powered aircraft for meeting the requirements of §61.129(a)(1) [i.e., “. . . 250 hours of flight time as a pilot that consists of at least:

- (1) 100 hours in **powered aircraft**, of which 50 hours must be in airplanes.

ANSWER: Ref. §61.129(a)(1); The intent of the term “powered aircraft” in §61.129(a)(1) was never intended to include the powered glider. A powered glider is not a powered aircraft, as it relates to §61.129(a)(1). A powered aircraft is a category of aircraft in the Airplane category, Rotorcraft category, or Powered-lift category.

The aeronautical experience in a glider was never intended to be allowed to be credited for meeting the requirements of §61.129(a)(1) because the aeronautical experience certification requirements in the glider do not align closely enough to the “real” intended powered aircraft requirements. In developing the provisions of §61.129(a)(1), the FAA only considered the “. . . 100 hours in **powered aircraft** . . .” to be aeronautical experience earned in the Airplane category, Rotorcraft category, or Powered-lift categories. We never considered the glider or the lighter-than-air categories (i.e., airships and balloons) as powered aircraft.
{q&a-308}

QUESTION 1: The issued is the required flight time for applicants adding a commercial glider category to their certificate. Specifically, how is it possible for a "transition" pilot, with the required 200 hour aeronautical experience in heavier-than-air aircraft, to log 20 flights as PIC when only 5 solo flights in a glider are required as per §61.129(f)(2)(ii)? FAR 61.51(e)(1)(i) specifically requires that a person be "The sole manipulator of the controls of an aircraft for which the pilot is rated" in order to log PIC.

ANSWER 1: Ref. §61.129(f)(2) which states: (f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least--

* * * * *

- (2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--

* * * * *

I don't see how the aeronautical experience of §61.129(f)(2) [e.g., “. . . 20 flights in a glider as pilot in command . . .”] is any different for a transition commercial glider pilot than the aeronautical experience of §61.129(a)(2) [e.g., “. . .100 hours of pilot-in-command flight time, which includes at least--(i) 50 hours in airplanes. . .” is for the transition commercial airplane single engine pilot? The “. . . 20 flights in a glider as pilot in command. . .” is aeronautical experience that must be achieved before an applicant is eligible for the commercial pilot-glider

rating. And yes per §61.51(e)(1)(i) or (ii), that pilot in command aeronautical experience must be achieved either as “. . . Is the sole manipulator of the controls of an aircraft for which the pilot is rated. . .” or “. . . Is the sole occupant of the aircraft. . .”

If the person doesn't want to qualify under §61.129(f)(2), then the option of §61.129(f)(1) is always available.

QUESTION 2: How can 20 flights in gliders as pilot in command include: 3 hours of flight training/10 training flights, and 3 training flights in preparation for the practical test?

ANSWER 2: Ref. §61.129(f)(2): (2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--

(i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in §61.127(b)(6) of this part including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

It is not included in the “. . . 20 flights in a glider as pilot in command . . .” The “. . . 3 hours of flight training in a glider or 10 training flights in a glider . . .” is IN ADDITION to the “. . . 20 flights in a glider as pilot in command . . .”

QUESTION 3: Previously, 20 SOLO flights with a 360 degree turn were required to meet the aeronautical experience for a "transition" pilot, in addition to other requirements.

ANSWER 3: The old provisions in the old §61.133(b) stated “. . . 20 glider flights as pilot in command during which 360 degree turns were made.” In the rewrite of Part 61, we deleted that phrase and the aeronautical experience for all the commercial pilot certificates are now contained in the new §61.129 and the training required is contained in the new §61.127.

Now I have a question for you. I don't understand how you can question the new §61.129(f)(2) [e.g., “. . . 20 flights in a glider as pilot in command . . .”] for the transition commercial glider pilot vs. the aeronautical experience contained in old §61.133(b) [e.g., “. . . 20 glider flights as pilot in command during which 360 degree turns were made . . .”] which were the old requirements for transition commercial glider pilots. What is the difference between your concerns about the new §61.129(f)(2) vs. the old §61.133(b)? I don't see a difference here, except that under the new §61.129(f) we're now requiring training under §61.127(b)(6) at the commercial pilot level.

QUESTION 4: Was it intended that the rule be written to require 20 SOLO (sole occupant) flights which includes at least 5 SOLO flights in a glider on the areas of operations listed in §61.127(b)(6)? This would be in addition to the flight training and preparation for the practical test as currently required under §61.129(f)(2)(i)and(iii).

ANSWER 4: Ref. §61.129(f)(2): (f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least--

* * * * *

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft and at least 20 flights in a glider as pilot in command, including at least--

(i) 3 hours of flight training in a glider or 10 training flights in a glider with an authorized instructor on the areas of operation listed in §61.127(b)(6) of this part including at least 3 training flights in a glider with an authorized instructor in preparation for the practical test within the 60-day period preceding the date of the test; and

(ii) 5 solo flights in a glider on the areas of operation listed in §61.127(b)(6) of this part.

No, we did not intend §61.129(f)(2) to say 20 solo flights. We wrote it just like we intended [e.g., “. . . 20 flights in a glider as pilot in command. . .”]. Just like in the other paragraphs of §61.129 for the other categories and classes of aircraft, there are paragraphs that establish certain numbers of hours of aeronautical experience for the commercial pilot certificate and then there are other paragraphs that establish certain numbers of hours of dual and solo training in §61.127. Yes, we did intend that the training in §61.129(f)(2)(i) and (ii) to be in addition to the “. . . 20 flights in a glider as pilot in command. . .”

§61.109 is written slightly different, so I will withhold any questions for the Private "transition" since answers on the commercial pilot aeronautical experience requirements of §61.129 may answer questions on both subject areas.

For your reading entertainment, please review the following preamble discussion that was contained in the final rule correction document that was published in the Federal Register (78 FR 20282-20290; Admt. No. 61-104) on April 23, 1998:

Section 61.109 Aeronautical experience. Section 61.109(f) has been revised to clarify when the aeronautical experience requirements for obtaining a private pilot certificate with a glider category rating must be accomplished with an authorized instructor and when those requirements must be accomplished in solo flight. To obtain a private pilot certificate with a glider category rating, §61.109(f) requires an applicant to accomplish three training flights in a glider. Unlike the term “flight training,” which is defined in §61.1(b)(6) as training, other than ground training, received from an authorized instructor in flight in an aircraft, the term “training flight” is not defined. Therefore, the FAA has added the phrase “with an authorized instructor” to clarify when training flights are to be accomplished with an authorized instructor.

In addition, the FAA has revised §61.109(f)(1) to clarify that the 20 flights and 2 hours of solo flight time in a glider that are required by paragraphs (f)(1)(i) and (f)(1)(ii) may be used to meet the 10 hours of flight time specified in the introductory language of paragraph (f)(1). In addition, the three training flights with an authorized instructor required in paragraph (f)(1)(i) may be used to meet the 20 flights also required in that paragraph.

The introductory paragraph of §61.109(f)(2) also has been revised to clarify that the 10 solo flights and 3 training flights with an authorized instructor in a glider required by paragraphs (f)(2)(i) and (f)(2)(ii) may be used to meet the 3 hours of flight time specified in the introductory language of paragraph (f)(2).

Finally, for the reasons previously discussed in the preamble to §61.109, the FAA has added the phrase “with an authorized instructor” to §61.129(f) to clarify that training flights in a glider are to be accomplished with an authorized instructor. In addition, the introductory text of §61.129(f)(1) has been revised to clarify that the 100 flights required by paragraph (f)(1) may be used to meet 25 hours of flight time as a pilot in a glider also specified in that paragraph. Section 61.129(h) also has been revised to clarify that an applicant for a commercial pilot certificate with a balloon class rating must accomplish with an authorized instructor (a commercial pilot with a balloon class rating) the “training flights” and flight performing the duties of PIC required by that paragraph.
 {q&a-184}

QUESTION: I am having trouble deciphering the required total time, dual time, and solo time for applicants for commercial pilot-glider ratings?

ANSWER: The answer is for the commercial pilot glider applicant is covered by the corrected §61.129(f) which states:

(f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least:

(1) 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least —

(i) 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test; or

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot in command, which includes at least—

(i) 3 hours of flight training or 10 training flights on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) Five solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test.

Otherwise in simple terms paragraph (f)(1) requires for commercial pilot applicants to **have** logged at least:

1. 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part that includes--

a. 3 training flights in preparation for the practical test within the 60-day period preceding the date of the test; and

b. 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part.

or

Otherwise in simple terms paragraph (f)(2) requires for commercial pilot applicants to **have** logged at least:

2. 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot-in-command, which includes at least 3 hours of flight training or 10 training flights with an instructor on the areas of operation listed in § 61.127(b)(6) of this part that includes--
 - a. 3 training flights with an instructor in preparation for the practical test within the 60-day period preceding the date of the test; and
 - b. 5 solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part.

{q&a-35}

61.183

QUESTION: Does a flight instructor applicant have to have had received “. . . 3 hours of flight training in preparation for the practical test . . . which must have been performed within 60 days preceding the date of the test . . .” like is the case in many of the eligibility requirements for pilot certificates? And if not 3 hours, does a flight instructor applicant need any training “... within 60 days preceding the date of the test ...” ?

ANSWER: Ref. §61.39(a)(6)(i) and §61.183; No, a flight instructor applicant is not required to have flight training within 60 days preceding the date of the test. Section 61.39(a)(6) provides “. . . if required by this part, ...” allowing exemption from the §61.39(a)(6)(i) “. . .training time within 60 days preceding the test ...” The rule doesn't require this training for flight instructor applicants. And the reason we, the people who made up the rulemaking team on the rewrite of Part 61, didn't specify a certain amount of required training time within 60 days preceding the date of the test for flight instructor applicants in subpart H is because there is no established amount of training time for the flight instructor certificate under Part 61. Under Part 141 yes, but not under Part 61. And the reason that is so is because historically and per the rules (e.g. §61.183 and §61.187), the eligibility requirements for the flight instructor certificate when it comes to training adopts the practice of “training to a standard.” There is no established amount of training time under Part 61 for the flight instructor certificate. **Note: this discussion does NOT apply to part 141.**

However, from a practical sense, it appears unlikely many flight instructor applicants would be able to pass a test nor the applicant's flight instructor ever allowing an applicant to go for a practical test after not having any training within the 60 days preceding the date of the practical test. Such an attempt would appear to demonstrates poor or irresponsible judgment.

{q&a-371}

61.187

QUESTION: I'm looking at your FAQs regarding logging instruction and endorsements and both I and a supervisor from Salt Lake City need further clarification of §61.187(a). A school operates a CFI course under Part 61, and they don't want to keep records (logbooks, whatever) of what the applicant was taught on each lesson.

§61.187(a) says that the applicant must receive AND LOG flight and ground training from an authorized instructor on the AREAS OF OPERATION LISTED IN THIS SECTION that apply to the flight instructor rating sought. It doesn't say that the CFI can make a one-time endorsement that the instruction has been done in lieu of the logging of flight and ground training.

The regulation is clear that a required logbook endorsement from an authorized instructor certifying that the person is proficient to pass a practical test on those areas of operation must be made.

If only an endorsement would suffice that the required training had been completed, why doesn't the regulation say so? Then only two endorsements would be required and logging of flight and ground time would not!

ANSWER: Ref. §61.51(a), (b), and (h)(2), §61.187(a), and §61.189(a); The answer is ". . . training time must be logged in a logbook . . ." [i.e., §61.51(h)(2)]. Section 61.51(h)(2) requires that ". . . training time must be logged in a logbook and §61.187(a) requires "The applicant's logbook must contain an endorsement . . ." Making a simple endorsement in a logbook does NOT relieve the applicant and the flight instructor from logging training time to comply §61.51(h)(2). I support this statement that the flight instructor must log all training time by the provisions contained in §61.51(a) and (b) and especially paragraph (h)(2). I believe §61.51(h)(2) makes it quite clear that:

- "(2) The training time must be logged in a logbook and must:
- (i) Be endorsed in a legible manner by the authorized instructor; and
 - (ii) Include a description of the training given, the length of the training lesson, and the instructor's authorized signature, certificate number, and certificate expiration date."

An equally important rule is §61.189(a) and I believe that rule further establishes the requirement to "must receive and log flight and ground training . . ." [i.e., §61.187(a)].
{q&a-285}

61.195

QUESTION: The instructions for issuing a Gold Seal Flight Instructor Certificate in FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria" (3)(b) on page 13-4 show that the Flight Instructor must have:

"conducted at least 20 practical tests as a designated pilot examiner..... "

May we read the above paragraph to include that FAA Aviation Safety Inspectors (Ops) who have "conducted at least 20 practical tests" will also be qualified in the same way that Designated Pilot Examiners have qualified?

ANSWER: Ref. §61.1(b)(4) and FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria;" Yes; Per §61.1(b)(4), an ASI (Operations) meets the definition of an examiner. And so, the answer is yes, an ASI (Operations) who can show having "conducted at least 20 practical tests as a designated pilot examiner..... " qualifies for being issued a Gold Seal Flight Instructor Certificate in FAA Order 8700.1, Chapter 13, Section 2, paragraph 5, E "Required Criteria."
{q&a-380}

QUESTION: What is meant by "appropriate rating" in §61.195(h)(1)(i) and 61.195(h)(2)(ii)? Example: I have held a glider instructor for 10 years and have 2,000 hours instruction given in glider; I also hold an airplane single engine instructor rating but only for the last 18 months and given 180 hours of instruction. Can I give the training in accordance with these two regulations to a new instructor applicant in airplanes?

ANSWER: Ref. §61.195(h)(1)(i) and (h)(2)(ii); FAA policy on this issue is “. . . has held that certificate for at least 24 months . . .” [emphasis added “. . . has held that certificate . . .”]. Notice, it doesn't say rating. Therefore, a flight instructor who provides the ground training to a first time flight instructor applicant must only have held the **flight instructor certificate** for at least 24 calendar months and have given at least 40 hours of ground training [i.e., §61.195(h)(1)(i)]. And in accordance with §61.195(h)(2)(iii) and (iv) the flight instructor who provides the flight training to a first time flight instructor applicant must only, “. . . Have held a **flight instructor certificate** for at least 24 months . . .” . . . “. . . have given at least 200 hours of flight training as a flight instructor . . .”
{q&a-349}

QUESTION 1: Ref. §61.195(h)(1); As an example, it requires that a person to hold a Certificated Flight Instructor - Glider certificate to conduct flight training in a glider.

Does the CFI certificate have to be current? In other words, can a holder of a Certificated Flight Instructor - Glider that is not current conduct and endorse glider flight training, assuming his pilot

certificate is current? What if the training is for a Commercial Pilot Certificate for a Glider rating, and includes a certificate for a Certificated Flight Instructor - Glider?

Can a holder of a Certificated Flight Instructor - Glider certificate that is not current endorse a flight review (61.56)?

ANSWER 1: Ref. §61.19(a); The answer to both questions is the flight instructor certificate cannot have expired. The flight instructor certificate has to be current. Per §61.19(a), it states: "(a) General. The holder of a certificate with an expiration date may not, after that date, exercise the privileges of that certificate."

QUESTION 2: Ref. §61.195(h)(1)(i); Another example, a holder of a Certificated Flight Instructor - Glider certificate must be current to give ground training to initial Certificated Flight Instructor - Glider candidates and have held the certificate for at least 24 months, and has given 40 hours of ground instruction.

Does the 24 months have to be the most recent 24 months, or can this time limit be over a long time, say 10 years but brought to currency within the last 2 months by recertification ride?

ANSWER 2: Ref. §61.195(h)(1)(i); The answer is no, the time period does not have to be in the most recent 24 months. It just has to have been held ". . . for at least 24 months. . ." Just like the rule states, the person only has to ". . . Have held a current ground or flight instructor certificate with the appropriate rating, has held that certificate for at least 24 months . . ." DURING SOME TIME IN HIS LIFETIME. It does not have to be held in the most recent past 24 months. As for example, I held a flight instructor certificate from August 1, 1980 to August 31, 1982 and I have documented proof of having given at least 40 hours of ground training back then, but I let the certificate expire. It is now February 23, 1999, and I satisfactorily complete a reinstatement practical test for my flight instructor certificate, so I'm back holding a current flight instructor certificate again. Well I can now give ground training to a first time flight instructor applicant, because just like the rule states ". . . has held that certificate for at least 24 months, and has given at least 40 hours of ground training . . ." And I did hold a flight instructor certificate ". . . for at least 24 months . . .", and I have ". . . given at least 40 hours of ground training . . ." during the time period from August 1, 1980 to August 31, 1982.

QUESTION 3: Ref. §61.195(h)(2)(v); requires 80 hours of flight training as a flight instructor.

Are the 80 hours of flight training required to be in gliders or in any aircraft?

ANSWER 3: Ref. §61.195(h)(2)(v); The INTENT here is to require ". . . For training in preparation for a glider rating, have given at least 80 hours of flight training as a flight instructor" IN GLIDERS. I agree I should have written it more clearly. But again the rule's INTENT is for the flight training as a flight instructor to have been in gliders.

{q&a-257}

61.197

QUESTION: Amendment 61-103, P-117, Section 61.3, second paragraph, indicates the FAA has determined that the graduate of an FIRC can carry that graduation certificate as acceptable documentation of eligibility until they receive a temporary certificate.

We have an Inspector who is issuing temporary certificates dated 9/18/99 for a group of CFIs whose certificates would have expired August 31, 1999, had they not attended an FIRC on 8/27/99. He thinks it is not appropriate to date the temporaries on the date they qualified, but it should be dated when he signs the temporary which in this case was 20 days later when he actually typed up the temporary flight instructor certificate. Now it is 18 days after the permanent certificates expired. This could be just so simple if he would use the graduation date, as an ACR would have done if one had been in attendance.

If this is allowed, it creates the situation when there is a period of time a CFI is legally endorsing training using his graduation certificate, but then gets a new permanent certificate showing a date of issue 18 days after his previous certificate expired. If one of his students falls out of the sky, we will be trying to explain to 20/20 or some other investigative reporter, why the CFI was giving endorsements after his certificate expired, when his current one wasn't issued until 18 days later.

We agreed to allow AOPA to send applications for CFIs who apply during their expiration month directly to us without temporary certificates. We agreed to use the graduation date as the renewal date of issue, just as AFS-800 asked us to. If we were to use the date we actually issued the permanent certificate, it could be 60 days after the CFI expired. We are going to use the graduation date, and FSDO's who issue for FIRC's other than AOPA must do the same when a later date would show the certificate expired. If they are going to use any other formula, we don't see how this can work.

ANSWER: Ref. §61.197(b)(1); I realize the rule [i.e., §61.197(b)(1)] addresses the "expiration month" but this question of yours is more a policy/procedural matter than a rule issue. The issuance date placed on the temporary flight instructor certificate should be the date the person completed the flight instructor refresher clinic, and NOT the date the inspector signed the temporary flight instructor certificate (FAA Form 8060-4).

So in the question you've asked, the person completed the flight instructor refresher clinic on August 27, 1999, and that is the date on the person's flight instructor refresher clinic graduation certificate. So August 27, 1999 is the issuance date that would be placed on the person's temporary flight instructor certificate (FAA Form 8060-4). And August 27, 1999 is also the date

the FAA would place on the back page of the Airman Certificate and/or Rating Application (FAA Form 8710-1) in the box identified as "Date" next to the "Graduation Certificate No." box of the "Training Course (FIRC) Name." And also, August 27, 1999 is the date that would be placed in the box identified as "Date" next to the "Inspector's Signature" box.

{q&a-354}

QUESTION 3: Your flight instructor certificate expires on December 31, 1999, and you complete the flight instructor refresher clinic (FIRC) on August 16, 1999. You must submit the graduation certificate to a FSDO as a basis for renewal no later than November 30, 1999 (emphasis here is the 3 calendar months expiration of the graduation certification from the FIRC) in order to renew your flight instructor certificate. The month in which you submitted the documents for renewal would be the expiration month of your new flight instructor certificate. Is this correct?

ANSWER 3: Ref. §61.197(b)(2)(ii); To get the relief of §61.197(b)(2)(ii), the applicant must have completed the FIRC in the months of September, October, November, or December to get a December expiration month. Your example cites completion of the FIRC on August 16, 1999, so the applicants gets an August 31, 2001 expiration date.

QUESTION 4: If your current flight instructor certificate expires on May 31, 2000, and you want to renew through presentation of a graduation certificate from a FIRC and obtain a new expiration date of May 31, 2002 (otherwise the same expiration month), you must complete the FIRC and present the graduation certificate from the FIRC to the FSDO on or after February 1, 2000. The 3-calendar month window [i.e., §61.197(b)(2)(ii)] is computed from the first day of the expiration month, or May 1, 2000 in this example. Is this correct?

ANSWER 4: Ref. §61.197(b)(2)(ii); To get a May expiration month, the applicant must have completed the FIRC in the months of February, March, April, or May. And yes, you're correct in your read of §61.197(b)(2)(ii) that the 3-calendar month window is computed from the first day of the flight instructor certificate's expiration month, or May 1, 2000 as in your example.

{q&a-283}

QUESTION 1: I just want to confirm with you the interpretation of FAR 61.197(a)(2)(iii). Based on Thursday's conversation, it is our understanding that graduation certificates no longer have a 90 day period during which they are considered valid. Instead, FIRC graduation certificates may be used as the basis for a renewal (assuming the certificate has not expired) as long as it is presented within the preceding 3 calendar months of graduation. Your example cites a May 31, 1998 expiration in which the applicant submits for renewal on or after February 1, 1998.

ANSWER 1: The FIRC graduation certificates are now valid for 3 calendar months. The "90 day" statement at the bottom of the FIRC graduation certificates can be ignored because the new §61.197(a)(2)(iii) now applies. Per §61.197(a)(2)(iii):

- (iii) A graduation certificate showing that, within the preceding 3 calendar months, the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or a combination of both.

QUESTION 2: To use another example: ...a person completing one of our FIRC programs on August 16 would have to submit their certificate for renewal prior to November 30. Or, put another way, that person would have the remainder of August, all of September, October and November to submit an application for renewal. If that person had an expiration date of December 31, then the latest date they could submit for renewal would be November 30, and their new certificate would carry a November 30th expiration date.

ANSWER 2: Your example is correct. Ref. §61.197(b)(2); A person who completes a FIRC on August 16 would have to submit their certificate for renewal prior to November 30 to retain the November expiration month. Below is what was written in the preamble of the final rule (78 FR 20285; April 23,1998):

“Paragraph (b)(2) allows a person who accomplishes any of the renewal requirements of paragraph (a) in the 3 calendar months preceding the expiration month of the person's current flight instructor certificate to renew their certificate for an additional 24 months from the month of expiration of the current flight instructor certificate. However, as previously noted, if renewal is accomplished under paragraph (b)(2) through the presentation of a graduation certificate from an FIRC, that course must have been completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate. For example, if a person whose current flight instructor certificate expires on May 31, 1998, seeks to renew his or her certificate through presentation of a graduation certificate from an FIRC and obtain a new expiration date of May 31, 2000, that person must complete the FIRC and present the graduation certificate to the Flight Standards Inspector on or after February 1, 1998. The 3-calendar-month window is computed from the first day of the expiration month rather than the last day of the expiration month of the current flight instructor certificate. Therefore, if a person's flight instructor certificate expires on May 31, 1998, the 3-calendar-month window is computed from May 1, 1998.”

QUESTION 3: Situation: a flight instructor renewal applicant completed a flight instructor refresher clinic (FIRC) on January 4, 1998. The applicant's flight instructor certificate does not expire until July 31, 1998. This applicant wants to hold onto to his FIRC graduation certificate until April 3, 1998 (i.e., the 90th day) and then submit it to the FAA Flight Standards District Office and still be able to retain his original flight instructor certificate expiration month of July. In effect, this applicant wants to combine the (three month validity) benefits of the FIRC graduation certificate and the 3 calendar months (window) of §61.197(b)(2). Can this be done?

ANSWER 3: **ABSOLUTELY NOT.** No way does the rule allow the applicant to combine the FIRC graduation certificate plus 3 calendar month. In this situation, the applicant's new expiration date on his flight instructor certificate would be April 30, 2000; Ref. §61.197(b), in pertinent part, states:

(b) The expiration month of a renewed flight instructor certificate shall be 24 calendar months from--

(1) **The month the renewal requirements of paragraph (a) of this section are accomplished;** or

(2) The month of expiration of the current flight instructor certificate provided--

(i) The renewal requirements of paragraph (a) of this section are accomplished within the 3 calendar months preceding the expiration month of the current flight instructor certificate, and

(ii) If the renewal is accomplished under paragraph (a)(2)(iii) of this section, the approved flight instructor refresher course must be completed within the 3 calendar months preceding the expiration month of the current flight instructor certificate.

{q&a-175}

QUESTION 4: The way §61.197 [i.e., §61.197(a)] is worded it does not appear that it allows for a flight instructor to renew with FIRC except 90 days prior. Meaning if a flight instructor wants to renew every year, he could not do it. I believe you need a provision added to §61.197(a)(1) as a new (iii). You could do that under the existing §61.197, did you mean to stop that practice?

ANSWER 4: No, we did not intend to stop that practice.

We will revise §61.197 and add a new (a)(3) to read as follows:

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

(1) Passes a practical test for renewal of the flight instructor certificate;

(2) Passes a practical test for an additional flight instructor rating; or

(3) Has a graduation certificate that proves successful completion of an approved flight instructor refresher course; or

(b) A person who holds a flight instructor certificate that has not expired, may present to an authorized FAA Flight Standards Inspector—

(1) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(2) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(3) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, within the 90 days preceding the expiration month of his or her flight instructor certificate.

(c) If a person accomplishes the renewal requirements of paragraph (a) or (b) of this section within the 90 days preceding the expiration month of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(d) The practical test required by paragraph (a)(1) or (2) of this section may be accomplished in an approved flight simulator or approved flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

{q&a-33}

QUESTION 1: 61.197(a) allows a CFI to renew based on completion of an FIRC 90 days before their expiration month. This seems to translate to between 118-121 days (depending on how many days in the expiration month). HOWEVER, our order says these certificates expire 90 days after they are issued. So if a CFI expires August 31, 1997; completed an FIRC on June 2nd; the CFI could be renewed up until August 1st but on Aug 2nd the FIRC graduation certificate will have expired (91 days old). Do we intend to allow these certificates to be used from 90 days before the expiration month to the end of the expiration month?

QUESTION 2: Explain how to interpret. For example, a person's flight instructor certificate expires on May 31, 1997 but that person accomplished one of the renewal procedures of §61.197(a) on February 24, 1997. Do these dates fall within the **“within the 90 days preceding the expiration month”** provision in the new §61.197?

ANSWER 1: YES; 2: YES

The new §61.197 states:

§ 61.197 Renewal of flight instructor certificates.

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

(1) Passes a practical test for—

(i) Renewal of the flight instructor certificate; or

(ii) An additional flight instructor rating; or

(2) Presents to an authorized FAA Flight Standards Inspector—

(i) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(ii) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(iii) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, **within the 90 days preceding the expiration month** of his or her flight instructor certificate.

(b) If a person accomplishes the renewal requirements of paragraph (a)(1) or (a)(2) of this section **within the 90 days preceding the expiration month** of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(c) The practical test required by paragraph (a)(1) of this section may be accomplished in a flight simulator or flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

Therefore as an example, a person successfully completes a FIRC "within the 90 days preceding the expiration month of his or her flight instructor certificate." And further, that person's flight instructor certificate was to expire on May 31, 1997. In computing the "90 day window" provisions of §61.197, that person may complete the FIRC [and really any of the renewal provisions of §61.197(a)] on or after January 31, 1997 and have their certificate renewed for an additional 24 calendar months with a new expiration date being May 31, 1999. Otherwise, you compute the 90 days from the 1st day of the expiration month and go backward 90 days. Therefore, a person's flight instructor certificate that expires on May 31, 1997, you compute the 90 days from May 1, 1997 date which when counting backwards falls on the date of January 31, 1997. January 31, 1997 is also the earliest date that a person may complete the clinic and be afforded the "90 day window" relief provided in §61.197. In reality when actually counting 90 days backwards, the "90 day window" provisions of §61.197 is actually a 120-day window. You compute the "90 day window" backward from the first day of the expiration month of the certificate, not the last day of the expiration month.

Please review my earlier answer to this question that is attached. But in answer to your specific question, you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1). So in applying the "90 day window" computation, anytime on or after August 3 falls "within the 90 days preceding the expiration month" provisions of §61.197 for a November 30, 1997 expiration date.

{q&a-48}

QUESTION: Another question has come up--this time on the correct procedure for determining the 90 day window for submitting an application in advance of the expire month. Effective August 4, FAR 61.197(b) was changed from expiration date to expiration month.. What is this a correct interpretation of the rule?

ANSWER: To use an example, let's take a certificate expiring in November. Since the language states "90 days preceding the expiration month," you count backwards from you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1) the first day of the expiration month, not the last day. So in applying the "90 day window" computation we would start the count on October 31 and count backwards to August 3, which is the 90th day. A person graduating from a FIRC course on August 3 would be within the 90 day period preceding the month of expire and thus would qualify to retain their original expiration month of November. A graduation date of August 1 or 2 would not qualify since it would be more than 90 days from the expiration month and not within the provisions of §61.197 for a November 30, 1997 expiration date.

{q&a-14}

61.199

QUESTION: Per § 61.199(a), is it permissible for a flight instructor certificate to be reinstated (i.e., the flight instructor certificate has expired) on the basis of an applicant accomplishing an additional flight instructor rating practical test, even though the applicant was not tested on his existing flight instructor ratings? As for example, a person holds an expired flight instructor certificate (a certificate that was issued on or after November 1, 1975) with the following ratings: Airplane Single Engine, Airplane Multiengine, and Instrument-Airplane. The applicant is now requesting to renew his flight instructor certificate by accomplishment of a practical test for an additional flight instructor-Rotorcraft – Helicopter rating.

ANSWER: Ref. § 61.199(a); Yes, it is permissible for a flight instructor certificate to be reinstated on the basis of an applicant accomplishing an additional flight instructor rating practical test.

Answered by the FAA's Donald P. Byrne, Assistant Chief Counsel, Regulations Division

July 14, 2000

Ms. Kathy Minner
Technical Specialist
Aviation Services Department
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701-4798

Dear Ms. Minner:

This is in response to your letter dated February 4, 2000, to the Office of the Chief Counsel, Federal Aviation Administration (FAA), regarding section 61.199(a) (14 CFR section 61.199(a)). Specifically, you are concerned about the reinstatement of expired flight instructor certificates and ratings.

As you point out in your letter, section 61.199(a) provides, in pertinent part, that the holder of an expired flight instructor certificate may exchange that certificate for *a new certificate with the same ratings* by passing a practical test *for one of the ratings listed on the expired flight instructor certificate*. (Emphasis added)

You also point out in your letter that the General Aviation Inspector's Handbook provides, in pertinent part, that the holder of an expired flight instructor certificate may have all ratings on the certificate reinstated by satisfactorily completing a single practical test.

You think the General Aviation Inspector's Handbook indicates that "any" practical test for a flight instructor certificate or rating would reinstate the expired flight instructor certificate and all the ratings on it. Based on that, you don't think that the holder of an

expired flight instructor certificate is limited to taking a practical for one of the ratings listed on the expired flight instructor certificate to reinstate it as provided for under section 61.199(a). Accordingly, you ask “may a flight instructor reinstate an expired flight instructor certificate by taking any practical test for a flight instructor certificate or rating, or must it be confined to one of those listed on the expired certificate as it seems to state in the regulation.” The answer to this question is discussed below.

Section 61.199(a) applies when the holder of an expired flight instructor certificate only seeks to have that certificate reinstated with the same ratings. It has been the policy of the Flight Standard Services (AFS-800), as articulated in the General Aviation Inspector's Handbook, to allow the holder of an expired flight instructor certificate who seeks an additional rating to one of those listed on the expired certificate, to reinstate the expired flight instructor certificate, and all the ratings on that expired certificate, by taking, and passing, a practical test for the additional rating sought. As a result, the holder of an expired flight instructor certificate may have that certificate and all of the ratings listed on it reinstated by taking, and passing, any practical test for a flight instructor certificate or rating.

I hope this satisfactorily answers your question.

Sincerely,

/s/ Donald P. Byrne
Assistant Chief Counsel
Regulations Division

{q&a-387}

QUESTION 2: 61.199(a) states that an expired CFI may be exchanged (reinstated) by passing a practical test prescribed in 61.183(h). After reading 61.183(h) one could conclude it to mean that a practical test is required for each rating.

ANSWER 2: One test renews all. There was no change intended. However, FAA Order 8700.1, Vol 2, Chapter 11 is my next project to rewrite to clarify this matter
{q&a-13}

QUESTION 1: For example, a person holds a flight instructor certificate with the following ratings: Airplane Multiengine, Airplane Single Engine, Glider, Rotorcraft-Helicopter, Instrument-Airplane and Helicopter. The certificate expired on July 30, 1997. And today is September 2, 1997. Does the rule allow for satisfactory completion of one practical test to renew for all the ratings? For example, does the rule allow for completion of a Flight Instructor-Airplane Single Engine practical test in a Cessna 152 and a satisfactory completion of that practical test renew all the person's flight instructor ratings?

ANSWER 1: Yes, completion of one practical test allows an exchange (re-instatement of) for all the person's flight instructor ratings. Review the new §61.199(a) which states:

(a) Flight instructor certificates. The holder of an expired flight instructor certificate may exchange that certificate for a new certificate by passing a practical test prescribed in § 61.183(h) of this part.

Read the words “. . . by passing a practical test . . .” It doesn't say multiple practical tests, it says “. . . by passing a practical test . . .” In this case “a” means one.

However, this applies to the Flight Instructor certificate and ratings that were issued after November 1, 1975. If a person holds one of the old flight instructor certificates and ratings that was issued prior to November 1, 1975, review Order 8700.1, page 11-3, paragraph 13.

{q&a-50}

NOTICE

**THE PART 141 FREQUENTLY ASKED QUESTIONS AND THE
“EXPERIENCE CHECKLIST” ARE NOW IN SEPARATE
DOCUMENTS.**

**PLEASE GO BACK TO THE AFS-600 WEB SITE FOR LINKS
TO THESE DOCUMENTS.**