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

MAR 16 2007

John G. Olshock
Chief Ground Instructor
Pan Am International Flight Academy
Career Pilot Division
530 W. Deer Valley Road, Ste. 300
Phoenix, AZ 85027

Dear Mr. Olshock:

This responds to your letter dated November 17, 2006, requesting a clarification of 14 C.F.R. § 61.129. Below we set forth the applicable regulation in pertinent part and respond to your question.

> Sec. 61.129 Aeronautical experience.
>
> (b) For an airplane multiengine rating. Except as provided in paragraph (i) of this section, a person who applies for a commercial pilot certificate with an airplane category and multiengine class rating must log at least 250 hours of flight time as a pilot that consists of at least:
>
> (4) 10 hours of solo flight time in a multiengine airplane or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor ... on the areas of operation listed in Sec. 61.127(b)(2) of this part ....

You ask the following question: "If the pilot receiving training for the issuance of a commercial pilot certificate with a multiengine class rating is performing the duties of pilot in command to meet the solo requirements with an authorized instructor on board the airplane, may there be an additional passenger on in the airplane?" You state that you "believe the spirit of the regulation prevents this from being authorized since the intent is to satisfy the solo flight time requirements specific to this section."

The requirements of section 61.129(b) (4) may be met either by "10 hours of solo flight time" or "10 hours of flight time performing the duties of pilot in command ... with an authorized instructor" in a multiengine airplane. While the latter option requires the pilot to perform the duties of pilot in command, which are similar to the responsibilities for solo piloting, it is not solo flight time. The instructor may determine how many persons are allowed on the aircraft during a flight where the pilot in command holds a multiengine class rating and is logging flight time to meet the requirements for a commercial pilot certificate under section 61.129 (b)(4). If two crewmembers are required for proper operation the aircraft, the persons aboard the aircraft could include the pilot in command, the second in command and the instructor. The instructor also may permit others on board for instructional purposes.

This response was prepared by Viola Pando, Attorney in the Regulations Division of the Office of the Chief Counsel. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel, Regulations Division