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

Office of the Chief Counsel

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

OCT - 8 2010

Mr. Richard Theriault
1370 S. Main Road #36
Vineland, NJ 08360

Dear Mr. Theriault:

This responds to your request for an interpretation of several 14 C.F.R. Part 61 regulations regarding certain aspects of helicopter flight training. This response will address each of your inquiries in turn.

Your first question asks whether the prohibition on operation of a piston helicopter under Instrument Flight Rules (IFR) also prohibits the filing of an instrument flight plan with the notation "VMC only" in the remarks section for instrument training purposes. The answer to your question is no, an aircraft does not need to be IFR certified to operate on an IFR flight plan, provided the aircraft remains in Visible Meteorological Conditions (VMC). See §61.65(c), §91.205(d), and FAA Order 8900.1, paragraph 5-439. However, we caution that the pilot in command must ensure compliance with the flight rules and not to expect special handling from Air Traffic Control.

In answer to your second question, are the requirements of 14 C.F.R. §61.129(c)(3)(i) met by the student getting an instrument rating or training for an instrument rating? The answer is no. The training given to satisfy the instrument training aeronautical experience of §61.129(c)(3)(i) may also be used to count toward the aeronautical experience of §61.65(e), but the opposite is not true. The reason for this is that the training required under §61.65(e) is general, while the training under §61.129(c)(3)(i) lists very specific operations that must be accomplished to satisfy the requirements.

The third question in your inquiry asks whether an applicant for a Commercial Pilot Certificate can use the experience from a night cross-country flight that meets the requirements for a Commercial Pilot Certificate under §61.129(c), while the individual was training for a Private Pilot Certificate, to satisfy the requirement for night cross-country flight for a Commercial Pilot Certificate? The answer is no. Regardless of whether the applicant previously completed a night cross-country flight that meets the requirements under §61.129(c)(3)(iii), the applicant must satisfy that requirement while training for a Commercial Pilot Certificate (see §61.127), not while training for a different certificate.

This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Certification and General Aviation Operations Branch of the Flight Standards Service. We hope that this response is helpful to you. If you have additional questions regarding this matter, please contact us at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200