Federal Aviation Administration

Memorandum

Date: APR 13 2012

To: John Duncan, Manager, Air Transportation Division, AFS-200

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

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Subject: Flight time requirements for applicants for an airline transport pilot certificate

This memorandum responds to your request for a legal interpretation of 14 C.F.R. § 61.159(a)(4). Specifically, you have asked whether a pilot who has logged fewer than 250 hours of flight time as pilot in command (PIC) may apply for an airline transport pilot (ATP) certificate. Based on the following information, we have concluded that a pilot may apply for an ATP with fewer than 250 hours of flight time as pilot in command.

Section 61.159(a)(4) states, in relevant part, that an applicant for an ATP certificate must have "250 hours of flight time in an airplane as a pilot in command, or as second in command performing the duties of pilot in command while under the supervision of a pilot in command, or any combination thereof[.]"

When this provision was introduced in the 1952 Civil Aeronautics Regulations, it stated that an applicant for an ATP rating shall have "at least 250 hours of flight time composed of time as pilot in command, or time as copilot actually performing the duties and functions of a pilot-in-command under the surveillance of the pilot in command, or any combination thereof." CAR 21.16(a). The 1952 change to the regulation was based on the fact that, until that time, an applicant for an ATP rating was required to have 250 hours of PIC time within 8 years of applying for the ATP rating. The Civil Aeronautics Board noted that 8-year requirement was difficult for air carrier copilots because, under the regulations at that time, they could not log PIC time even for the time they were the sole manipulator of the controls. In permitting pilots to count SIC time while performing the duties of PIC under the supervision of the PIC, the Board explained that "the experience and training gained by copilots on air carrier aircraft together with flight training experience in performing the duties and functions of an aircraft commander in transport type aircraft is equivalent to or greater than the present requirement for pilot-in-command experience which is often attained in small aircraft under conditions entirely unrelated to air carrier operations." CAB Amendment No. 21-10, Aeronautical Experience Requirement for Airline Transport Pilot Rating.

In 1956, the FAA clarified that, under CAR 21.16, "a copilot employed by a certificated air carrier may credit . . . that time during which he performs all the functions of the pilot-in-command including landings and takeoffs, en route flying, low approaches, and ground functions."[1] 21 FR 7370, Sept. 27, 1956. The Manual indicated that the time should be recorded and certified by the PIC under whose supervision the functions were accomplished.

Since this provision was first introduced in 1952, the regulations have expanded the conditions under which a pilot may log PIC time. Under § 61.51(e)(1), a pilot may log PIC time when the pilot (i) is the sole manipulator of the controls of a aircraft for which the pilot is rated (category, class, and type rating, if appropriate), (ii) is the sole occupant of an aircraft, or (iii) acts as PIC[2] of an aircraft for which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted. Additionally, in 2009, the FAA introduced another avenue through which a pilot could log time as PIC. 74 FR 42500, Aug. 21, 2009. Section 61.51(e)(1)(iv) permits a pilot who holds a commercial pilot certificate or ATP certificate that is appropriate to category and class of aircraft to log PIC time while performing "the duties of pilot in command while under the supervision of a qualified pilot in command" if, among other things, the pilot is undergoing an approved PIC training program.

The new provision for logging PIC time should not be confused with § 61.159(a)(4) which permits a pilot to count second-in-command (SIC) time toward the 250 hours of flight time required to apply for an ATP certificate. Accordingly, if an SIC is not participating in an approved PIC training program in accordance with the terms of § 61.51(e)(1)(iv), the time performing the duties of PIC under the supervision of a PIC must be logged as SIC time that may be relied upon for meeting the requirement in § 61.159(a)(4).

We note that, if the SIC holds category, class, and type ratings appropriate to the aircraft being flown, the pilot may log PIC time under § 61.51(e)(1)(i) as the sole manipulator of the controls of an aircraft for which he or she is rated.[3]

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[1] The Manual cautioned that the air carrier was responsible for determining that a copilot had sufficient experience and demonstrated ability to perform the duties of copilot before permitting the pilot to perform the functions of PIC for logging purposes.

[2] In order to act as pilot in command, a pilot must hold the appropriate category, class, and type rating, if appropriate, for the conduct of the flight. 14 C.F.R. § 1.1.

[3] To log PIC time under § 61.51(e)(i), a pilot must hold a type rating that is not limited to "SIC Privileges Only." See Interpretation to Glenn D. Counsil, April 13, 2012.