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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUN 10 2014

Mr. Judd Cato
[redacted]

Dear Mr. Cato:

This letter is in response to your request for legal interpretation regarding the logging of Second-in-Command (SIC) time in a CE-525 aircraft. You presented several scenarios with specific questions, and we answer each of these questions.

At the outset, it is important to understand that the FAA issues type ratings for the Citation CE-525 aircraft in one of two forms; one rating with a limitation saying SIC required, and one rating for a pilot who has met additional requirements and allows operation of the aircraft as a single pilot. A pilot holding a CE-525 type rating with the limitation of SIC required must always conduct a flight in this aircraft with an SIC. Conversely, a pilot holding a CE-525S type rating ("S" single pilot) must conduct the flight as a single pilot flight except, e.g., if the Master Minimum Equipment List (MMEL) requires differently. Therefore, the characterization of the type of operation for a pilot with a CE-525S type rating, conducting a flight in a CE-525, will be determined by a number of factors, including whether the operation is conducted under parts 121, 135, or 91, or whether the aircraft meets the Kinds of Operations Equipment List in the Limitations Section of the FAA Approved Airplane Flight Manual.

In the first scenario you present, a corporation conducting operations under part 91 owns a Citation CE-525 airplane, which is type-certificated for single-pilot operations. The Pilot-in-Command (PIC) holds the proper type rating to fly the plane as a single-pilot. The company's policy requires two pilots onboard at all times, even though the plane is type-certificated for single-pilot operations. The SIC holds a CE-525 SIC privileges only type rating. For purposes of this response, we will refer to the PIC as Pilot 1 and the SIC as Pilot 2, as there is no SIC in this scenario.

Question #1 – You ask in the scenario above, if the company requires an SIC, even though the plane is type-certificated for a single pilot, and neither the operation nor the regulations require two pilots, would Pilot 2 be a required flight crewmember, and eligible to log the time as SIC? The answer is no, because under 14 C.F.R. § 61.51(f) the plane is rated for single-pilot operations, and no SIC is required. Thus Pilot 2 is not a required flight crewmember, and cannot log the time as SIC. See Legal Interpretation to Scott Nichols (April 2, 2009). (All interpretation letters referred to in this letter are available at the FAA.gov website, and then navigate to the Chief Counsel page, Regulations Division, Legal Interpretations and Chief Counsel's Opinions.)

Question #2 – You ask if in the above scenario, could Pilot 2 log the flight time as SIC time on the portion of the flight when he is the sole manipulator of the controls? If Pilot 2 had the proper ratings to act as PIC on the flight, then he could log the time as sole manipulator as PIC time, but in the scenario above, you state that Pilot 2 holds an SIC privileges only type rating, thus cannot log the time as sole manipulator as PIC time. See Legal Interpretation to Glenn Counsil (April 13, 2012). See also Legal Interpretation to Jeffrey Morris (May 18, 2012).

Question #3 – You also ask if Pilot 1 also happened to be a certificated flight instructor, could Pilot 2 log some of the flight time as instructional time, and also log cross-county, night and instrument flight time? Yes, Pilot 2 could log that flight time as instructional time for cross-country, night or instrument flight time under 14 C.F.R. § 61.51(e)(1) provided that Pilot 1, who is a CFI, will sign the logbook entries. See Counsil interpretation and Morris interpretation.

Question #4 – Next you ask if the PIC chooses to fly a portion of the flight under a view limiting hood, and the SIC acts as safety pilot, could the SIC log that time he acted as safety pilot as SIC time? The answer is yes. The SIC can log the time he serves as safety pilot, because he or she is a required crewmember for the portion of the flight when the PIC is under the hood. 14 C.F.R. § 91.109 (c)(1) Since Pilot 2 holds the appropriate category and class ratings, then he could log the time he served as safety pilot as SIC time. However, we caution that logging SIC time is not the same as acting as SIC. See Legal Interpretation to William Trussell (July 24, 2012). Also see legal interpretation to Gregg W. Beaty (January 23, 2013).

Question #5 – If the company or PIC elects to use an SIC in lieu of an autopilot, would an SIC be required, and could Pilot 2 log SIC time? In this instance, the company or PIC cannot merely elect to use an SIC in lieu of an autopilot if Pilot 1 holds a CE-525S type rating; however, if the autopilot is inoperative, then the aircraft type certification would require a pilot and co-pilot for safe operation. In this circumstance, Pilot 2 would become the SIC, and could log the entire flight as SIC time. See Nichols interpretation.

In addition, you provided a second scenario, in which the PIC holds a CE-525 type rating with a second in command required limitation. You ask whether Pilot 2 would be a required flight crewmember, and able to log all the flight time as SIC regardless of the airplanes type certificate. In this scenario, since the CE-525 is type certificated for single-pilot or two-pilot operations, then Pilot 2 could serve as SIC and log all the flight time as SIC time. See the discussion above about the type ratings for CE-525.

Lastly, of the examples you present above that could be counted as SIC time, you ask whether that time can be accredited towards the aeronautical experience requirements of an Airline Transport Certificate. The answer is yes. (See 14 C.F.R. § 61.159.)

We hope this response has been helpful to you. If you have any additional questions regarding this matter, please contact my staff at (202) 267-3073. The response was prepared by Neal O'Hara, an Attorney in the International Law, Legislation and 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.

Sincerely,

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