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

Office of the Chief Counsel

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

FEB -3 2015

Bruce Johnstone
[redacted]

Re: Meaning of "other commercial flying" as it relates to parts 117 and 121

Dear Mr. Johnstone:

This letter is in response to your July 21, 2014 letter and November 7 email requesting an interpretation of the meaning of "other commercial flying" as it relates to part 121 and part 117 flight and duty rules. Specifically you asked whether you "may ground instruct for compensation, incident to flight instruction, but may not charge for that portion of the instruction that would take place in the aircraft without considering it as other commercial flying." This response assumes the instruction you would be providing would not be a task assigned to you by a part 119 certificate holder or a part 91 program manager.

Under the part 121 rules "[o]ther commercial flying means any nonmilitary flying as a required crewmember, other than in air transportation, for which the crewmember is paid for his or her services." Legal Interpretation to Richard L. Martindell, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Mar. 11, 2009). Flight instruction for compensation is other commercial flying. *Id.* A key component of the definition of other commercial flying is flight, which for purposes of counting flight time, means the time from which the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. *See, e.g.*, Legal Interpretation to Timothy Slater, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Sept. 7, 2012). Therefore, ground training would not count as other commercial flying for part 121 flight and duty rules.

Part 117 also places cumulative flight limits on pilots. Those limitations "include all flying by flightcrew members on behalf of any certificate holder or 91K Program Manager during all applicable periods." 14 C.F.R. § 117.23(a). Ground instruction by a pilot in your scenario is not flying and would therefore not be included in the part 117 cumulative limits.

Finally, although ground instruction would not count towards flight time limitations under either part, we emphasize that under both the part 121 and part 117 rules a pilot is obligated to operate safely, including to be rested and prepared to perform his or her duties. *See* 14 C.F.R. §§ 91.13, 117.5; Legal Interpretation to David S. Parent, from Donald P. Byrne, Assistant Chief Counsel Regulations and Enforcement Division (Feb. 9, 1993).

This response was prepared by Dean E. Griffith, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-1854 if we can be of additional assistance.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations, AGC-200