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

Office of the Chief Counsel

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

SEP 16 2016

Trent C. Bramham
5031 70th Ave NE
Olympia, WA 98516

Re: Request for clarification of 14 CFR § 61.160

Dear Mr. Bramham:

This is in response to your letter dated May 16, 2016 in which you requested a legal interpretation of 14 CFR § 61.160. Specifically, you ask whether the maximum 500 hour flight-engineer flight time that may be credited toward the required 1,500 hour total time as a pilot required under § 61.159(a), can be credited toward the required 1,500 hours total time as pilot for the purposes of applying for a restricted airline transport pilot (R-ATP) certificate under § 61.160(f).

Section 61.160 of Title 14 of the Code of Federal Regulations (14 CFR) concerns aeronautical experience required for a restricted privileges airline transport pilot certificate with airline category multiengine class rating. Section 61.160(f) provides that a person who has 1,500 hours of total time as a pilot, 200 hours of cross-country flight time, and otherwise meets the aeronautical experience requirements of § 61.159 may apply for an airline transport pilot certificate under this section.

Section 61.159 contains the aeronautical experience requirements for an airplane category rating for an airline transport pilot certificate. Subsection (a) provides in pertinent part that a person applying for an airline transport pilot certificate with an airplane category and class rating must have at least 1,500 hours of total time as a pilot and sets forth what the total time as a pilot must include. Provided certain requirements are met, § 61.159(c)(2) and § 61.159(c)(3) permit a commercial pilots to credit flight-engineer flight time toward the 1,500 hours of total time as pilot required by § 61.159(a).[1] The time credited must not exceed more than 1 hour for each 3 hours of flight-engineer flight time for a total credited time of no more than 500 hours.

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[1] Section 61.159(c)(2) requires that the flight-engineer flight time be acquired in an airplane required to have a flight engineer by the airplane's flight manual or type certificate and that the flight time be acquired while engaged in operations under part 121 of this chapter for which a flight engineer is required. Section 61.159(c)(3) requires the flight-engineer flight time to be acquired as a U.S. Armed Forces' flight engineer crew member in an airplane that requires a flight engineer crew member by the flight manual and that the flight time be acquired while the person is participating in a flight engineer crewmember training program for the U.S. Armed Forces.

In the 2013 final rule, the FAA "determined that a pilot who had reached the age of 21, has logged 1,500 hours total time as a pilot, and satisfies the remaining aeronautical experience requirements for an R-ATP certificate should be permitted to apply for an R-ATP certificate and serve as an SIC in part 121 operations." 78 FR 42324, 42351 (July 15, 2013). Part of the FAA's rationale for this determination was that these pilots would have achieved the total flight time for an ATP certificate obtained under § 61.159. 78 FR 42351. Given this rationale, it follows that the maximum 500 hour flight-engineer flight time that may be credited toward the 1,500 hour total time as a pilot under § 61.159 can be credited toward the required 1,500 hours total time as pilot for the purposes of applying for a restricted airline transport pilot (R-ATP) certificate under § 61.160(f).

Moreover, § 61.159 does not contain an express limitation on the applicability of § 61.159(c) toward § 61.160. If the FAA had intended such a limitation, it would have expressly included such a limitation as it did when it limited the number of hours of the total aeronautical experience requirements of § 61.159(a) and § 61.160 that could be obtained in a full flight simulator or flight training device. *See* 14 CFR 61.159(a)(6).

In your request, you ask whether an applicant who is a commercial pilot and flight engineer may apply for an R-ATP certificate under § 61.160(f) if he has 1,000 hours of pilot time, 200 hours of cross-country flight time, 1,500 hours of flight-engineer flight time in accordance with § 61.159(c) and otherwise meets the aeronautical experience requirements of § 61.159. Based upon the above analysis, the applicant could apply a maximum of 500 hours of the flight-engineer flight time toward the required 1,500 hours of total time as a pilot required under § 61.160(f). Therefore, when one credits the maximum 500 hours of flight-engineer flight time and adds in the applicant's 1,000 hours of time as a pilot the requirement of § 61.160(f) to have 1,500 hours total time as pilot is satisfied. In this example, as the applicant also has the 200 hours of cross-country flight time required by § 61.160(f) and otherwise meets all of the aeronautical experience requirements of § 61.159, the applicant may apply for a restricted airline transport pilot certificate subject to the pilot in command limitations contained in 14 CFR 61.167(b) and the age requirement of § 61.153(b).[2]

This response was prepared by Melissa Crain, an attorney in the Regulations Division of the Office of the Chief Counsel and coordinated with the General Aviation and Commercial Division and the Air Transportation Division of the Flight Standards Service. If you have any additional questions regarding this matter, please contact my office at (202) 267-3073.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations

[2] Must be at least 21 years of age.

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May 16, 2016

Lorelei Peter
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Dear Ms. Peter,

I am writing to ask for clarification of certain portions of 14 C.F.R. §61.160.

Can an FAA certificated commercial pilot with 1,000 hours of pilot time, 200 hours of cross-country flight time, who also holds an FAA flight engineer certificate, has 1,500 hours of flight-engineer flight time that was acquired in accordance with §61.159(c)(2) or §61.159(c)(3), and who otherwise meets the aeronautical experience requirements of §61.159, apply for a restricted airline transport pilot certificate under §61.160?

In accordance with §61.159(c), a commercial pilot may credit certain flight-engineer flight time toward the 1,500 hours of total time as a pilot required by paragraph (a) of §61.159 for the issuance of an airline transport pilot certificate under §61.159.

Additionally, in accordance with §61.160(f), a person who has 1,500 hours total time as a pilot, 200 hours of cross-country flight time, and otherwise meets the aeronautical experience requirements of §61.159 may apply for a restricted airline transport pilot certificate under §61.160.

Considering §61.160(f) states "1,500 hours of total time as a **pilot**", I would like to know if the maximum 500 hours total credited flight engineer flight time toward the 1,500 hours of total time as a pilot, as allowed in §61.159(c)(2) and §61.159(c)(3) for the purposes of meeting the requirements of §61.159 for issuance of an airline transport pilot certificate under that section, would also be considered as pilot time for the purposes of applying for the airline transport pilot certificate under §61.160(f).

Respectfully,

Trent C. Bramham

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