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

Office of the Chief Counsel

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

SEP 2 0 2016

Charles Allan Dick
27 South Seventh Street
Quakertown, PA 18951

Re: Request for correct interpretation of 14 CFR 61.51(e)(1)(iv) – Logging time as PIC

Dear Mr. Dick:

We are in receipt of your request for a correct interpretation of 14 CFR 61.51(e). In your request you state that you disagree with the FAA's "current interpretation of § 61.51(e)(iv)(B)-(D)." For purposes of this response, it is assumed that you meant § 61.51(e)(1)(iv)(B)-(D).

You indicate that you have reviewed a number of the "interpretation letters" found on the FAA website and have found them all lacking reasoning behind the interpretation, other than relying on a previous interpretation. You also state that you have systematically reviewed the grammar and syntax of the regulation, and based upon your independent review you believe (1) that the FAA's interpretation is incorrect, (2) that § 61.51(e)(1)(iv)(B)-(D) is a standalone set of conditions and (3) that the regulations clearly preclude the requirement of § 61.51(e)(1)(iv)(A) from being a prerequisite to the subsequent conditions set forth in § 61.51(e)(1)(iv)(B)-(D).

Section 61.51(e) governs the logging of PIC time. Under § 61.51(e)(1), a pilot may log PIC time when the pilot is (i) the sole manipulator of the controls of an aircraft for which the pilot is rated (category, class, and type rating, if appropriate), (ii) is the sole occupant in the aircraft, or (iii) acts as PIC 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. In 2009, the FAA introduced another avenue though which a pilot could log PIC time, in §61.51(e)(1)(iv). 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 the category and class of the 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. Legal Interpretation to Glenn D. Counsil (April 13, 2012); Legal Interpretation to John Duncan (April 13, 2012).

Our interpretations of § 61.51(e)(1)(iv) are supported by the 2009 Final Rule, *Pilot, Flight Instructor, and Pilot Certification*, 74 FR 42500, 42514-42515, that introduced

§ 61.51(e)(1)(iv). In that rule, we state that "the revision to § 61.51(e)(1)(iv) will permit a pilot performing the duties of a pilot in command while under the supervision of a qualified pilot in command to log pilot in command flight time." 74 FR 42514. It further states that

> [t]he pilot performing the duties of a PIC will be required to hold a commercial pilot certificate or airline transport pilot certificate with the aircraft rating appropriate to the class and category being flown, if a class rating is appropriate. The pilot must be under the supervision of an appropriately qualified PIC. ***Additionally***, the pilot who is performing the PIC duties is required to undergo an approved PIC training program consisting of ground and flight training in the following areas of operation: preflight operation, preflight procedures, takeoff and departure phase, in-flight maneuvers, instrument procedures, landings and approaches to landings, normal and abnormal procedures, emergency procedures, and post-flight procedures.

74 FR 42514 (emphasis added).

We appreciate the time and effort you placed into ensuring a correct interpretation of 14 CFR 61.51(e)(1)(iv). However, after reviewing your interpretation, previous FAA interpretations and the 2009 Final Rule, we find that our current interpretation of § 61.51(e)(1)(iv) is correct.

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 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