



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

Office of the Chief Counsel

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

DEC 1 2009

Ted Louis Glenn
[REDACTED]

Dear Mr. Glenn:

This responds to your request for a legal interpretation dated November 11, 2007. Your letter requests clarification concerning the logging of cross-country time to meet the aeronautical experience requirements under 14 C.F.R. §§ 61.65(d), 61.109, 61.129, 61.159, and 135.243(b)(2). This response is being issued simultaneously with legal interpretations to James Hilliard and Dwight B. Van Zanen, both of which address questions concerning logging cross-country time and are enclosed.

Your letter presents multiple scenarios to illustrate your questions related to how a pilot may log cross-country time under each of the regulations prescribing aeronautical experience requirements. These scenarios are discussed individually below. Each scenario assumes a landing more than 50 nautical miles (nm) from the original point of departure.

There are multiple definitions of cross-country time in 14 C.F.R. § 61.1(b)(3), and these definitions apply differently based on how the cross-country time is being used to meet aeronautical experience requirements. Section 61.1(b)(3)(i), in relevant part, states the general definition of cross-country time as time acquired during flight conducted in an aircraft, by a person who holds a pilot certificate, that includes a landing at a point other than the point of departure, and that involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point. Section 61.1(b)(3)(ii), in relevant part, defines cross-country time for the purposes of meeting the aeronautical experience for a private pilot certificate, a commercial pilot certificate, an instrument rating, or for the exercise of recreational pilot privileges. For these purposes, cross-country time is time acquired during a flight conducted in an appropriate aircraft that includes a point of landing that was at least a straight-line distance of more than 50 nm from the original point of departure and that involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point. Section 61.1(b)(3)(vi), in relevant part, defines cross-country time for the purposes of meeting the aeronautical experience for an airline transport pilot certificate. For this purpose, cross-country time is time acquired during a flight conducted in an appropriate aircraft that is at least a straight-line distance of more than 50 nm from the original point of departure and that involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems. Section 61.1(b)(3)(v), in relevant part, defines cross-country time for the purposes of meeting the aeronautical experience for any pilot

certificate with a rotorcraft category rating or an instrument-helicopter rating or for the exercise of recreational pilot privileges in a rotorcraft, but this definition is inapplicable to your scenarios as presented.

In your first scenario, Pilot A and Pilot B, who hold private pilot certificates and ratings appropriate to the aircraft, take a flight. Pilot A acts as the pilot-in-command (PIC). During a portion of the flight, Pilot B acts as the safety pilot and second-in-command (SIC) while Pilot A operates in simulated instrument flight. You ask whether Pilot B may log SIC and/or cross-country time for the portion of the flight during which Pilot B acts as safety pilot.

Section 61.51(f) governs the logging of SIC time and states, in relevant part, that a person may log SIC time only for that flight time during which that person holds the appropriate ratings for aircraft being flown and "more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted." When a pilot is operating an aircraft in simulated instrument flight, 14 C.F.R. § 91.109(b), in relevant part, requires that a safety pilot, who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft, occupy the other control seat. Accordingly, Pilot B may log SIC time for the portion of the flight during which Pilot B acts as safety pilot because Pilot B was a required flight crewmember for that portion of the flight under § 91.109(b). The FAA previously has interpreted that a person acting as safety pilot for a portion of a flight may not log cross-country time because that person is not a required flight crewmember for the entire flight. *See Legal Interpretation to Jeff Gebhart* (June 22, 2009) (copy enclosed). Accordingly, Pilot B may not log cross-country time for any portion of the flight.

The second scenario is similar to the first scenario except that Pilot A is the sole manipulator of the controls and operates the aircraft in simulated instrument flight during a portion of the flight. Pilot B acts as the PIC for the flight and as the safety pilot for the portion of the flight during which Pilot A operates the aircraft in simulated instrument flight. You ask whether Pilot B may log PIC and/or cross-country time for this flight.

According to the Gebhart interpretation, Pilot A may log PIC and cross-country time for the entire flight. Pilot B may log PIC time for the portion of the flight during which Pilot A operated in simulated instrument flight because Pilot B was a required flight crewmember while acting as the safety pilot, but Pilot B may not log cross-country time for any portion of the flight because Pilot B was not a required flight crewmember for the entire flight.

In the third scenario, Pilot A and Pilot B, who hold commercial pilot certificates and ratings appropriate to the aircraft, are conducting an operation under part 135 that requires two pilots. Pilot A acts as the PIC and is the sole manipulator of the controls, and Pilot B acts as the SIC. You ask whether Pilot B may log SIC and/or cross-country time for the entire flight.

The definition of cross-country time in § 61.1(b)(3) does not limit that time to only a PIC. Any required flight crewmember for an operation could meet the entire definition of cross-

country time provided the flight met that definition. Provided that two pilots are required by the aircraft's type certificate or by operating rule for the part 135 operation, both Pilot A and Pilot B are required flight crewmembers. Accordingly, Pilot B, as a required flight crewmember for the entire flight, may log SIC and cross-country time for the entire flight.

The fourth scenario is similar to the third scenario except that Pilot B acts as the SIC and is the sole manipulator of the controls for the entire flight. You ask whether Pilot B may log PIC and/or cross-country time for the entire flight.

Section 61.51(e) governs the logging of PIC time and states, in relevant part, that a sport, recreational, private, or commercial pilot may log PIC time for the time during which that pilot is "the sole manipulator of the controls of an aircraft for which the pilot is rated or has privileges" or "acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted." Accordingly, Pilot B may log PIC time for the portion of the flight during which Pilot B is the sole manipulator of the controls. Provided that two pilots are required by the aircraft's type certificate or by operating rule for the part 135 operation, Pilot A may log PIC time for the entire flight because Pilot A is acting as PIC of an aircraft on which more than one pilot is required. As previously discussed, both Pilot A and Pilot B, as required flight crewmembers, may log cross-country time for the entire flight.

The fifth and sixth scenarios do not differ substantively from the third and fourth scenarios, except that the pilots are conducting an operation under part 121 that requires two pilots. Pilot A holds an airline transport pilot certificate, and Pilot B holds a commercial pilot certificate. You ask whether Pilot B may log SIC and/or cross-country time to meet the requirements of § 135.243(b)(2) when Pilot B acts as SIC for the entire flight. You also ask whether Pilot B may log PIC and/or cross-country time for the entire flight when Pilot B acts as SIC and is the sole manipulator of the controls for the entire flight.

For the fifth scenario, as stated previously, Pilot B may log SIC and cross-country time for the entire flight. It is important to note that the § 61.1(b)(3)(i) definition of cross-country time (the general definition) is applicable to the § 135.243(b)(2) requirement because that cross-country time is not being used to meet the aeronautical experience requirements for a certificate or rating. For the sixth scenario, as stated previously, Pilot B may log PIC time for the portion of the flight during which Pilot B is the sole manipulator of the controls; Pilot A may log PIC time for the entire flight because Pilot A is acting as PIC of an aircraft on which more than one pilot is required; and both pilots may log cross-country time for the entire flight.

In the final scenario, Pilot A and Pilot B, who hold pilot certificates and ratings appropriate to the aircraft, take a flight in an aircraft for which one flight crewmember is required. Pilot A and Pilot B each are the sole manipulator of the controls for a portion of the flight. You ask whether each pilot may log PIC and/or cross-country time for the portion of the flight during which that pilot was the sole manipulator of the controls.

As stated previously, Pilot A and Pilot B may log PIC time under § 61.51(e) for the portion of the flight during which that pilot acts as sole manipulator of the controls. In interpreting whether a safety pilot could log cross-country time, the FAA stated that § 61.65(d) contemplates that only the pilot conducting the entire flight, including takeoff, landing, and en route flight, as a required flight crewmember may log cross-country time. *See Gebhart Interpretation*. That interpretation did not address how two pilots who trade off manipulation of the controls may log cross-country time. However, that interpretation is applicable to this scenario. The rationale behind the cross-country requirement is to provide a pilot with aeronautical experience flying a significant distance to and landing at an airport that is not the pilot's home airport. Section 61.65 contemplates that one pilot is gaining that aeronautical experience. Sections §§ 61.109 and 61.129 contemplate the same. Accordingly, in this scenario, neither pilot may log cross-country time to meet the cross-country requirements under §§ 61.65(d), 61.109, or 61.129.

Additionally, you request clarification about whether a "repositioning" flight can be used to change the original point of departure for calculating cross-country time. In your example, a pilot wishes to fly from Airport A to Airport B and back, but Airport B is not more than 50 nm from Airport A. To log cross-country time, the pilot flies from Airport A to Airport C as a discrete flight. The pilot then flies a separate flight from Airport C to Airport B, which is a straight-line distance of more than 50 nm, and from Airport B to Airport A. You ask whether the pilot may log cross-country time for the C-B-A flight to meet the aeronautical experience requirements under §§ 61.65(d), 61.129, or 61.159.

In the context of meeting aeronautical experience requirements under § 61.159, the controlling definition in § 61.1(b)(3)(vi) does not require a landing but only a flight that is at least a straight-line distance of more than 50 nautical miles from the original point of departure. Therefore, your scenario does not apply to the § 61.159 requirements. Regarding the §§ 61.65(d) and 61.129 requirements, unless the pilot is attempting to meet the aeronautical experience requirements for any pilot certificate with a rotorcraft category rating or an instrument-helicopter rating, the controlling definition of cross-country time is § 61.1(b)(3)(ii). There is nothing in § 61.1(b)(3)(ii) or previous FAA interpretations dictating how separate flights must be logged. Accordingly, the pilot may choose what is considered a discrete flight and what is merely a segment of a flight, and then log that time appropriately when the flight is conducted. Section 61.1(b)(3)(ii) requires that the flight include a landing at a point other than the point of departure. This definition does not contain a requirement that the first leg of the flight include a landing that is more than 50 nm distant, but it does require that one point of landing is at least a straight-line distance of more than 50 nm from the original point of departure. *See Legal Interpretation to E. Thomas Sisk (Mar. 18, 2008); Legal Interpretation to Alfred Tenuta, Jr. (Apr. 17, 1998)*. Accordingly, the pilot may log cross-country time for the C-B-A flight in your scenario if that flight is logged as a discrete flight. Moreover, if Airport A was more than 50 nm from Airport C, which is the original point of departure for the flight, the pilot may log this cross-country time regardless of the distance between Airports C and B.

This response was prepared by Robert Hawks, an Attorney in the Regulations Division of the Office of Chief Counsel and coordinated with the Certification and General Aviation Operations Branch of Flight Standards Service. We hope this response has been helpful to you. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca B. MacPherson", with a long horizontal flourish extending to the right.

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

Enclosures