

Feb 14, 1991

Mr. Michael P. Shea  
[REDACTED]

Dear Mr. Shea:

Thank you for your letter of September 26, 1990, to the Federal Aviation Administration (FAA) Office of Assistant Chief Counsel in Renton, WA (ANM-7). According to your letter, you possess an FAA commercial pilot certificate with instrument rating (helicopter), and are a qualified Army aviator. You also have private pilot privileges for single-engine airplanes. You have begun to earn your instrument rating for single-engine airplanes, to be followed by the commercial pilot certificate for airplanes with multi-engine rating.

You raised several questions regarding the interpretation of certain sections of the Federal Aviation Regulations (FAR) Part 61, which we have addressed below.

Question 1. You have made several military flights of more than 50 nautical miles in a Bell Ulf-1 helicopter while holding an FAA-issued commercial pilot certificate with instrument rating (helicopter). You asked whether you can apply this cross-country helicopter time toward the requirements for your instrument rating (airplane).

Answer: It is unnecessary for you to do so.

Discussion: FAR 61.65(e) provides:

(e) Flight experience. An applicant for an instrument rating must have at least the following flight time as a pilot:

(1) A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross-country flight in a powered aircraft with other than a student pilot certificate. Each cross-country flight must have a landing at a point more than 50 nautical miles from the original departure point.

(2) 40 hours of simulated or actual instrument time, of which not more than 20 hours may be instrument instruction by an authorized instructor in an instrument ground trainer acceptable to the Administrator.

(3) 15 hours of instrument flight instruction by an authorized flight instructor, including at least 5 hours in an

airplane or a helicopter, as appropriate.

By virtue of the fact that you have met the requirements of an FAA instrument rating for helicopters, you have met the requirements of 61.65(e)(1) and (2) above. These two subsections are not specific as to helicopter or airplane. Therefore, the question whether you can count your helicopter cross-country flight time toward the airplane instrument rating is moot.

The only additional requirement of 61.65(e) you need to be concerned about meeting is the provision in subsection (3), which is specific to the type of instrument rating sought. You must satisfy subsection (3)'s requirement of 15 hours of instrument flight instruction, including at least 5 hours in an airplane, in order to satisfy 61.65(e)'s requirements applicable to the airplane instrument rating.

Question 2. Can you apply your military helicopter cross-country flight time toward the cross-country requirement for the Commercial Pilot Certificate in 61.129(b)(3)(ii)?

Answer: Yes.

Discussion: FAR 61.129.

.... Which is part of Subpart E, "Commercial Pilots," includes under paragraph (b), "Flight time as pilot" the following under subparagraph (3) (ii):

50 hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the original departure point....

Previous flight time, whether military or civilian, can be used to meet this requirement of 61.129. Again, as is the case with 61.65, whether the flight experience was in a helicopter (and not an airplane) is immaterial since this subsection does not specifically require airplane time. By way of contrast, note for example that 61.129(b) (3) (i) require 50 hours of pilot in command time in airplanes.

[As information, 61.65(e) is different from 61.129(b) (3) in that the cross-country pilot in command flight time in 61.65(e) must have been accomplished with other than a student pilot certificate. There is no such requirement in 61.129(b) (3)].

Question 3. Can you apply 3 hours of actual instrument time and 23 hours of instrument hood time in the Bell UH-1 helicopter toward the requirements of 61.65(e)(2)?

Answer: It is unnecessary for you to do so, for the reasons stated in the answer to Question 1 above.

Question 4. Can you apply 20 hours in a UH-1 simulator toward the requirements of 61.65(e)(2)?

Answer: Again, it is unnecessary for you to do so, as noted in the answer to Question 1.

We recommend that you review your flight experience with the local Flight Standard District Office to determine what additional requirements you need to meet in order to obtain the certificates and ratings you seek. This interpretation has been coordinated with the General Aviation and Commercial Division of the Office of Flight Standards at FAA Headquarters. We appreciate your concern for compliance with the regulations, and hope this satisfactorily responds to your inquiry.

Sincerely,

Michael E. Chase  
Manager, Certification Law Branch  
Regulations and Enforcement Division