

Meeting the requirements of 61.129 for the commercial rating

Please see the referenced legal interpretation which clarify the regs and are considered compulsory/mandatory.

- 1) **250 hours of pilot time**: Part 61.129(a) requires total “**flight time as a pilot**” of 250 hours. “Flight time as a pilot” does not require a level of training proficiency. Consequently, “flight time” accrued toward a private pilot certificate can be used to meet the requirements of 61.129(a)(1) & (2).
- 2) **Private pilot training that cannot be used toward Commercial certificate**. A PVT pilot certificate is required to be eligible for a commercial certificate, and the “**20 hours of training**” of 61.129(a)(3) toward the commercial certificate must occur while training for the commercial certificate. (Theriault 2010 legal interpretation). Further, training for a private pilot certificate does not meet the performance standards of a commercial certificate (Legal Interpretation Murphy 2011). Examples of training time toward a private pilot certificate that **cannot** be used to meet 61.129(a)(3):
 - a. Complex, TAA and Turbine time
 - b. Cross country time
 - c. Instrument time (may be used toward instrument rating, not toward commercial)
 - d. Nighttime
- 3) **Instrument Rating may not meet requirements of instrument training for commercial certificate**. While training for an instrument rating, many may or might accomplish part or all the requirements for a commercial certificate. However, an instrument rating in and of itself does not provide proof of meeting the requirements 61.129(a)(3)(i) (Legal Interpretations Hartzell 2010 and Oord 2018) which include:
 - a. Attitude instrument flying
 - b. Partial Panel Skills
 - c. Recovery from unusual flight attitudes
 - d. Intercepting and tracking navigational systems
- 4) **Use of Instrument Rating (IR) training toward a commercial certificate**: In order to have IR training apply toward the commercial certificate instrument time, the training entries must specifically document meeting the requirements as outlined in 61.129(a)(3)(i) which could be done by referencing 61.129(a)(3)(i) or by documenting the training using the same phraseology as outlined in this same regulation. Examples of instrument training time “Remarks” that can be used toward the requirements of 61.129(a)(3)(i):
 - a. “Instrument maneuvers and training to meet the requirements of 61.129(a)(3)(i)”
 - b. “RNAV 13 **partial panel**, ILS 4, **attitude instrument, intercepting and tracking courses**” then another entry may have “VOR-A & **unusual attitudes**”

- 5) **Who can provide the instrument training toward a commercial certificate:** Per 61.195 a flight instructor may conduct instrument training required for the commercial pilot certificates only if he has an instrument rating on their CFI certificate. However, commercial helicopter rating requirement of 61.129(c)(3)(i) is for “control and maneuvering solely by reference to instruments” which is technically not the same as “instrument training”. Therefore, a CFII certificate is not required to provide the training by reference to instruments for commercial helicopter certificate ([Legal Interpretation Jablecki 2016](#)).
- 6) **Using instrument rating cross-country training toward commercial certificate cross country training requirements.** The two commercial dual cross countries required under 61.129(a)(3)(iii), can be done either IFR or VFR. ([Legal Interpretation Sun 2011](#)). Legal interpretations of [Hartzell 2010](#) and [Oord-AOPA 2018](#) state training for an instrument rating can be applied toward the *instrument experience* required by 61.129(a)(3)(i) if documented appropriately (see above). However, the legal interpretations do not prohibit nor clearly specify instrument rating *cross country training* may be applied toward the *commercial cross country training* requirements of 61.129(a)(3)(iii). Therefore, performing a cross-country during instrument training potentially might satisfy the requirements of a commercial dual cross country but is likely subject to the interpretations of the testing DPE or FSDO. While using one training flight to satisfy requirements of both the instrument rating cross country and a commercial cross country is not prohibited, until legal interpretation can validate this position, discretion would dictate a separate flight training event.

Hartzell 2010:

“the hours of training used to obtain the instrument rating will meet some, if not most, or quite often, meet all the requirements for instrument aeronautical experience under §61.129”

“The interpretation (Theriault 2011) did not establish an additive requirement for the number of hours of instrument training required to meet the aeronautical experience requirements of 61.129.”

“We are merely clarifying the requirements that the applicant for the commercial pilot certificate provide evidence that they have met the requirements of 61.129.”

Oord-AOPA 2018

“To allow for training time to count towards both 61.65(e) and 61.129(c)(3)(i) in cases where it meets the requirements of both, as stated in the letter to Ms. Kristine Hartzell dated December 12, 2010, that time must be logged consistent with 51.51 and documented in a manner that demonstrates the time counts towards the commercial pilot certificate and (instrument) ratings.”

One example that has been debated is using the 250 nm instrument rating cross country to qualify for both the instrument rating requirement of 61.65(d)(2)(ii)(A) and one of the 2-hour commercial dual cross-country requirements of 61.129(a)(3).

- 7) **Solo vs Duties of PIC time requirement for the Commercial certificate.** 61.129(a)(4) permits use of “performing duties of PIC” (PDPIC) with an instructor on board in lieu of solo time. This likely arose out of pilots training in high performance or multi-engine aircraft where they may be able to legally solo these aircraft but would be non-insurable on a solo endorsement. This requirement is to be ALL solo OR ALL observed PIC. They cannot be a combination of both. (Legal interpretation Grannis 2016).
- 8) **How to Log PDPIC time.** If using PDPIC to meet 61.129(a)(4) requirements, it must be logged appropriately. (Legal Interpretation Kuhn 2014) The flight time should be logged as
- a. “PIC”
 - b. NO DUAL received
 - c. CFI must sign the entry to prove it was not a solo
 - d. noted in remarks “Performing duties of PIC” or PDPIC.
- 9) **NOTE on part 141 operations:** Part 141 training MUST follow the TCO training course outline approved by the FAA. Depending on the 141 TCO, the pilot may or may not be able to meet both instrument and commercial training requirements with a particular flight. If the TCO allows a flight to count toward both the instrument and commercial rating, then the documentation must comply with the regulations and legal interpretations as indicated above. The requirements for instrument and commercial ratings are detailed in part 141 appendix C and D.