



61.65 and 61.129 (Required Instrument Training)

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Greetings,

A question was recently raised by the DPE Advisory Group (DPEAG) regarding whether the training received while working toward an Instrument Rating (§61.65(c)(1)) – or already possessing an Instrument Rating – qualifies for use as the 10 hours of instrument training required by §61.129(a)(3)(i) when training for a commercial pilot certificate.

We requested clarification from policy office AFS-810 (Airman Training and Certification Branch), and that response is below:

This reply responds to the email message you sent to the AFS630Comments@faa.gov e-mail and forwarded to AFS-810, the policy holding office.

You stated in your inquiry: *“Savvy flight instructors have learned to include the exact verbiage contained in (Title 14 Code of Federal Regulations Part 61) §61.129(a)(3)(i) when endorsing flight training for the instrument rating, however the question has been raised as to whether the instrument rating in itself meets the intended training criteria specified. The concern is that the verbiage used in (Part) § 61.65(c)(1) is somewhat different from that of §61.129(a)(3)(i) and would perhaps not seem to meet the requirements literally on its own. The Instrument Rating – Airplane, Airman Certification Standards (ACS) does however mention each of the four elements by name listed in § 61.129(a)(3)(i), so is that linkage sufficient to generically allow for the possession of an instrument rating to meet the training required in § 61.129(a)(3)(i)?”*

We perceive your question to be: *“is that linkage sufficient to generically allow for the possession of an instrument rating to meet the training required in 14 CFR Part 61 § 61.129(a)(3)(i)?”*

Response: *No, the mere possession of an instrument rating or the endorsement required for an instrument rating under Title 14 Code of Federal Regulations (14 CFR) Part 61 § 61.65(e) does not satisfy the requirements.*

The Aircraft Owners and Pilots Association (AOPA), in 2018, raised a similar question to the Office of Chief Counsel concerning §61.129(c)(3)(i) and § 61.65(e). The legal interpretation provided to Mr. David J. Oord, Senior Director, Government Affairs, Regulatory, Aircraft Owners and Pilots Association, by the Office of Chief Counsel dated August 2, 2018 directly relates with this question.

Please refer to the link below:

[https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2018/Oord-AOPA%20-%20\(2018\)%20Legal%20Interpretation.pdf](https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2018/Oord-AOPA%20-%20(2018)%20Legal%20Interpretation.pdf)

While this legal interpretation deals with an issue related to an endorsement for a commercial helicopter certificate, it directly relates to an endorsement for a commercial airplane certificate.

In part it states: *“An instrument rating or training would not satisfy § 61.129(c)(3)(i). The FAA highlighted that the training conducted pursuant to these two paragraphs are not invariably equivalent because § 61.129(c)(3)(i) contains specific criteria not found in § 61.65(e).*

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, that time must be logged consistent with § 61.51 and documented in a manner that demonstrates the time counts towards the commercial pilot certificate and ratings.”

The same logic applies if we substitute airplane for helicopter and § 61.129(a)(3)(i) for § 61.129(c)(3)(i).

In conclusion: If an applicant and endorsing instructor properly record the flight training and the endorsement contains the verbiage required for § 61.129(a)(3)(i) all of the requirements will be satisfied.

Thank you for your inquiry.

Aviation Safety

Office of Safety Standards

Airman Training and Certification Branch, AFS-810

The conclusion is important indicating 'how' the training is endorsed determines whether additional instrument training would/or not be required toward a commercial pilot certificate as per §61.129(a)(3)(i). We assume that this would also be true for the allowable (class) training component of §61.129(b)(3)(i) – Multiengine, since AFS-810 cited §61.129(c)(3)(i) – Helicopter, in their example.

Please feel free to share this information with your staff, and plan accordingly. Thank you for your time.

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