

CFI Study Group — **Helpful Guide to FAA Legal Interpretations & Chief Counsel’s Opinions**

Where to Research FAA Legal Interpretations: Regulations Division Legal Interpretations & Chief Counsel’s Opinions website:

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/Interpretations/

Rizner (1991) What are the minimum qualifications required to act as a safety pilot?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/1991/Rizner_1991_Legal_Interpretation.pdf

Shea (1991) Applying Flight Experience to other category aircraft.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/1990/Shea_1990_Legal_Interp_retation.pdf

Pick (1992) NTSB Order No. EA-3646 Litigation. Definition of Congested Area

<https://www.nts.gov/legal/alj/OnODocuments/Aviation/3646.pdf>

Folk (2008) NTSB Order No EA-5404 Operations over a congested residential area.

<https://www.nts.gov/legal/alj/OnODocuments/Aviation/5404.pdf>

FAA Memorandum Legal Interpretation of “densely populated” and “congested airway”

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2012/Cintron-AFS-800-2_2012_Legal_Interpretation.pdf

FAA Memorandum Gardner: CAP Congested Area Plan

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2012/Gardner-AGL-200-2_2012_Legal_Interpretation.pdf

Murphy NTSB Order No EA-3935 Takeoff from an uncontrolled airport into clouds without a clearance or release from ATC 14 CFR 91.13(a).

<https://www.nts.gov/legal/alj/OnODocuments/Aviation/3935.pdf>

Hicks (1993) Double-dipping PIC time: Sole manipulator and safety pilot.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/1993/Hicks_1993_Legal_Interpretation.pdf

Harrington (1997) "The building up of flight time may be compensatory in nature if the pilot does not have to pay the costs of operating the aircraft."

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/1997/Harrington_1997_Legal_Interpretation.pdf

Olshock (2007) Pan Am Int. Flight Academy Clarification of commercial pilot cross-country requirements 61.129(a)(3)(iii) & (iv) and (b)(3)(iii) & (iv). Interpretation of "total duration of flight hours."

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2007/Olshock-PanAm_2007_Legal_Interpretation.pdf

Gordon (2006) 61.65(d) Must a pilot complete the 50 hours of cross-country time prescribed by 61.65(d)(1) prior to flying the 40 hours of actual or simulated flight time prescribed in 61.65(d)(2)?

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2006/Gordon_2006_Legal_Interpretation.pdf

Kortokrax (2006) 14 CFR 61.57 Are students or instructors considered passengers for recency of experience requirement purposes?

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Glaser (2008) REMOVED

See Carty Memorandum 2/28/2022:

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2022/Carty-AFX-1%20-%202022%20Legal%20Interpretation.pdf

Murphy (2008) 5- issues: (1) whether a flight instructor providing flight instruction for hire is required to possess a second-class medical certificate; (2) whether a student pilot may act as pilot-in-command of a flight above a broken cloud layer and remain in compliance with 14 C.F.R. § 61.89(a)(7); (3) how a flight instructor can comply with 14 C.F.R. § 61.189(a) when the student pilot does not possess a logbook; (4) whether a flight instructor providing an "introductory flight" to a person not interested in receiving instruction must possess a second class medical certificate; and (5) whether a flight crewmember is required to have a shoulder harness secured during taxi.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2008/Murphy_2008_Legal_Interpretation.pdf

Sisk (2008) Does the long cross-country required for the instrument rating require any leg to be at least 50 nm? Does a flight with multiple points of landing require any single leg to be over 50 nm to be considered cross-country?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2008/Sisk_2008_Legal_Interp_retation.pdf

Wadsworth-National Pilot Academy_2008 61.195 qualifications for training first-time CFI applicants.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2008/Wadsworth-NationalPilotAcademy_2008_Legal_Interpretation.pdf?fbclid=IwAR1VE5iKvL0loOCFnY6PunYp6XcMrl06N-i1-2AUvflh60TLQZEi6jp6Emo&mi

Ryan Koepp (2008) Interpretation of "other commercial flying time" as it applies "off duty" flight instruction and the flight time limitations of part 121 1. Providing flight instruction while not acting as a required crewmember and without compensation (i.e., providing instruction to your spouse for a CFI certificate); 2. Providing flight instruction while acting as a required crewmember but without compensation (i.e., providing instruction to a spouse for a private pilot certificate); 3. Providing flight instruction while not acting as a required crewmember but receiving compensation (i.e., with money, gifts, or merely the benefits from logging hours); 4. Providing flight instruction while acting as a required crew member and receiving compensation.
https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2008/Koepp_2008_Legal_Interpretation.pdf

Levy (2008) §61.51(g)(2) A CFII may log approaches that a student flies when those approaches are conducted in actual instrument conditions. The instructor's oversight responsibility when instructing in actual instrument flight conditions to meet the obligation of 61.57(c)(1) to have performed the approaches. The FAA views the instructor's oversight responsibility when instructing in actual instrument flight conditions to meet the obligation of 61.57(c)(1) to have performed the approaches.
https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2008/Ronald_B._Levy_2008_Legal_Interpretation.pdf

Richard L. Martindell King Schools(2009) Is flight instruction conducted under part 91 for compensation by an independent flight instructor is considered other commercial flying for the purpose of tracking flight and duty time in part 135?
https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2009/Martindell-King%20Schools_2009_Legal_Interpretation.pdf

Keller Jr.(2009) Clarification of 14 CFR 61.109(a)(5)(ii), the solo cross-country aeronautical experience requirement for individuals applying for a private pilot certificate with an airplane category and single-engine class rating, in relation to the definition of "cross-country time" in 14 CFR 61.1(b)(3)(ii)(B).
https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2009/Keller_2009_Legal_Interpretation.pdf

Anderson (2009) FAA Defines Congested Areas and Minimum Altitudes over Congested Areas 14 CFR 91.119.
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Bell (2009) What is meant by "known icing"?
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Gebhart (2009) Logging PIC and cross-country time as a safety pilot.
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Glenn (2009) Logging cross-country time as safety pilot. Logging SIC time as a safety pilot.
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Herman (2009) § 61.51(e)Logging time while sole manipulator and appropriately rated, but lacking endorsements.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2009/Herman_2009_Legal_Int_erpretation.pdf

Hilliard (2009) Splitting cross-country time with another pilot where both pilots take turns as PIC.

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Keller Jr. (Sept. 2009) 14 CFR 61.109(a)(5)(ii) Requested clarification of 14 CFR 61.109(a)(5)(ii), the solo cross-country aeronautical experience requirement.

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Metzinger (2009) 14 CFR 61.217 Ground Instructor, does a new ground instructor, who has just received his ground instructor certificate, also need to meet the recent experience requirements of section 61.217 in order to perform the duties of a ground instructor.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2009/Metzinger_2009_Legal_Interpretation.pdf

Mangiamele (2009) Requirements for flying as a charitable fundraiser. Reimbursement for operating costs for business travel via private aircraft.

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Speranza (2009) Logging PIC while sole manipulator on IFR flight plan, but not instrument rated.

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Van Zanen (2009) Can I choose how I define a flight in order to optimize cross-country time?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2009/Van_Zanen_2009_Legal_Interpretation.pdf

Kern (2009) Question regarding the "flight training provided in an airplane by a Sport Pilot instructor, that has resulted in a Sport pilot certificate, [can] be transferred to meet the dual instruction requirements of FAR 61.107 and 61.109 for a Private Pilot certificate with an airplane category rating."

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Coleal (2010) Is preventive maintenance that Part 91 pilots are permitted to do limited to the 31 items on the list in Appendix A to Part 43?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2010/Coleal- Bombardier%20Learjet_2010_Legal_ Interpretation.pdf

Hartzell (2010) Can commercial instrument training requirements be met by prior instrument rating training?

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Lamb-2 (2010) Having a third party, such as your employer, pay your pro-rata share.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2010/Lamb- Wilke%2C%20Fleury%2C%20Hoffelt%2C%20Gould%20&%20Birney- 2_2010_Legal_ Interpretation.pdf

Grayson (Jan. 2010) § 61.31(e) through (j) Student pilots and checkride candidates are required to obtain the additional training and endorsements before they may act as pilot in command for the aircraft designated in 61.31(e) through (j).

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2010/Grayson- 1_2010_Legal_ Interpretation.pdf?fbclid=IwAR3BJbo3yEKUkAsk08c4KLD r3J1vRv9Wxv7qmFV3oP6c1iNSrXDTWi4Ifqc_aem_AZ6KBmci tDsejvDYH8s509NvLQAELOclEoCVsSChKO4oq6NM9nv7_ptGUhTR1R2cREbNM0OaE_zomk37G5Uliik4P

Grayson-2 (2010) Clarification regarding the flight instructor limitations and qualifications set forth in 14 CFR § 61.195. Specifically, whether a flight instructor who holds only an instrument-airplane rating on his or her flight instructor certificate may conduct instrument training in a single or multi-engine airplane if he holds those ratings only on his commercial pilot's certificate. We distinguished this requirement from the qualifications required for those instructors who provide flight training on the "basic instrument maneuvers" in § 61.107 and the "control and maneuvering of an airplane solely by reference to the instruments" in §61.109 necessary for private pilot certification.

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Therault (2010) 14 CFR 61.129 Question on whether an applicant for a Commercial Pilot Certificate can use the experience from a night cross-country flight that meets the requirements for a Commercial Pilot Certificate under §61.129(c), while the individual was training for a Private Pilot Certificate, to satisfy the requirement for night cross-country flight for a Commercial Pilot Certificate?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2010/Therault_2010_Legal_ I nterpretation.pdf

JPS Aviation (2011) 14 C.F.R. 91.409, specifically whether a 100-hour inspection is required for an aircraft provided by a student for the purposes of flight instruction under part 61 to that student.

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2011/Colvin- JPSAviation_2011_Legal_ Interpretation.pdf

Frick (2011) 14 CFR §61.1(b)(2) Can a ground instructor use a flight simulator, flight training device or aviation training device as a tool or aid in providing ground training?

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Murphy (2011) Anticollision Lights 91.208(b) and Aeronautical experience for a commercial pilot certificate 14 CFR 61.129(a)(3)(iii). Murphy (2011):

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Haberkorn (2011) Finding passengers via social media, clarifying "common purpose."

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Related: FAA Memorandum Cintron 2012 Memorandum responds to your request for a legal interpretation regarding the definitions of "densely populated" and "congested airway" in the context of limitations on experimental aircraft, particularly with regards to Living History Flight Experience (LHFE) flights operations.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2012/Cintron-AFS-800- 2_2012_Legal_ Interpretation.pdf

Simmons (2010) Interpretation of the term "congested area" as used in 14 C.F.R §91.119 and clarification of §91.119(a).

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Walker (2011) Logging PIC and actual IMC while sole manipulator in IMC, but not instrument rated. Logging time as an instrument rated PIC while not sole manipulator. Safety piloting in actual IMC.

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Collins (2012) Whether a certified flight instructor (CFI) may log a landing performed when a student or other pilot is the sole manipulator of the controls of the aircraft in order to meet the CFI's currency requirements under 14 C.F.R. § 61.57(a)(I) and (b)(I).

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[Pratte \(2012\)](#) REMOVED/Rescinded.

Gardner-AGL 2012 FAA Memorandum Whether an operator can make a congested area over which they are operating uncongested in order to avoid having to develop and file a congested area plan (CAP) required by 14 C.F.R. § 133.33.

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Rodriguez (2012) Flight instruction conducted under part 91 by an independent flight instructor is considered other commercial flying for purposes of tracking flight and duty time in part 121.

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Baginski (2012) 14 CFR § 91.155 Basic VFR weather minimums and § 91.157 Special VFR weather minimums.

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Trussell (2012) What can a safety pilot log if the pilot flying elects to remain acting PIC? What obligation does a safety pilot have to share expenses?

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Mertens-Duncan Aviation (2012) Airworthiness (return to service) question when aircraft registration is lapsed.

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Hancock (2013) Does loaning an airplane to a pilot amount to compensation? Does the owner of an airplane bear any responsibility if a person borrowing the airplane violates FARs?

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Schaffner (2014) Can a CFI with expired medical instruct a student who is a Private Pilot with a current medical and flight review but is not current to carry passengers per CFR 61.57(a) or is the CFI considered a passenger when instructing?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2014/Schaffner_2014_Legal_I nterpretation.pdf

Greenwood (2014) Fly By Knight, Inc. 14 CFR 91.409b 100-Hour or annual inspection Fly-By-Knight, Inc. 100-hour maintenance inspection and how same aircraft are used for both instruction and rental part 61 and part 141 operations.

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/D ata/interps/2014/Greenwood- Fly_By_Knight_2014_Legal_ Interpretation.pdf

Kuhn (2014) Can a pilot working on a commercial certificate log time “performing the duties of pilot in command” with a CFI on board? How can a CFI log time while riding along with a commercial student “performing the duties of pilot in command”?

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Newman (2015) §61.56(c) Flight Review. How does 61.56(c) apply to a certificated pilot is training for an additional category or class rating? Can two authorized instructors administer a flight review, one giving ground and the second giving the flight portion of the flight review?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2015/Newman_2015_Legal_Interpretation.pdf

Ragland-Double Eagle Aviation (2015) § 61.47(a) and § 61.43(f) Interpretation on the meaning of the term "necessary training" Specifically, does a DPE have the authority to require specific training before retesting?

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2015/Ragland-Double%20Eagle%20Aviation-2_2015_Legal_Interpretation.pdf

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Do the solo endorsement requirements for student pilots in 14 CFR part 61, subpart C also apply to pilots who hold higher certificates and are seeking an additional rating?

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/Data/interps/2015/Beard_2015_Legal_Interpretation.pdf

Pinger (2015) §43.1 Regulation, requires the maintenance record entry approving an aircraft for return to service . . .

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McLellan (2015) Requesting a legal interpretation of Title 14 Code of Federal Regulations § 61.129 regarding applying aeronautical experience gained while training for another certificate or rating towards a commercial pilot certificate.

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Letts (2017) Request for Legal Interpretation Regarding Operation of an Aircraft Equipped with an Inoperative Rotating Beacon.

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Grannis (2017) Clarification of Exceptions in 14 CFR § 119.1(e)

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Dick (2017) FAA interprets § 61.51(e)(1)(iv) to mean that a pilot may log PIC flight time when he or she performs the duties of PIC while under the supervision of a qualified PIC provided . . .

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Lawrence Williams (2018) Interpretation concerning whether a flight instructor would be required to hold a medical certificate when not acting as a pilot in command (PIC) under two scenarios. 1. Providing flight instruction in a multiengine aircraft where the person receiving the flight training ... And 2. Providing flight instrument training to a certificated pilot who is seeking to add an instrument rating. The flight instructor is NOT occupying the other pilot station . . .

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Fitzpatrick - Spartan College (2018) Spin training provided by a CFI doesn't require a parachute "regardless of what certificate or rating the applicant is seeking".

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Walters-Blue Line Aviation, Inc (2018) 100-Hour Inspection. 14CFR 91.409(b) Whether § 91.409(b) is triggered by a checkout depends upon whether the checkout is considered flight instruction.

https://www.faa.gov/sites/faa.gov/files/faa_migrate/interps/2018/Walters-Blue_Line_Aviation_2018_Legal_Interpretation.pdf

Michael J. Pratt (2022) Rescinding Theriault 2011 and Clarifying 61.129(c)(3)(i): training performed pursuant to § 61.129(c)(3)(i) occurs in a helicopter, or with a device or simulator that replicates a helicopter, that training may count towards the five hours of instrument aeronautical experience required under § 61.129(c)(3)(i). However, instrument training performed outside of a helicopter and without a flight simulator, flight training device, or aviation training device that replicates a helicopter cannot count towards the five hours of instrument aeronautical experience that is required under § 61.129(c)(3)(i).

https://www.faa.gov/sites/faa.gov/files/Pratt-2022_Legal_Interpretation.pdf

SEARCH: FAA INFOs

https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos

INFO15012 Subject: Logging Instrument Approach Procedures (IAP)

<https://www.faa.gov/sites/faa.gov/files/pilots/training/firc/InFO15012.pdf>

2020 AC 61-142 FAA Sharing Aircraft Operating Expenses

https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_61-142.pdf

Carty Memorandum (2022): Rescinding Glaser (2008) and Pratte (2012) regarding 61.65(d)(2)(ii)(C) The FAA finds that PAR should be considered an acceptable navigation system under §61.65(d)(2)(ii)(C)

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/data/interps/2022/Carty-AFX-1%20-%202022%20Legal%20Interpretation.pdf

N 8900.691 Airman Certification Standards and Practical Test Standards for Airmen; Incorporation by Reference.

https://www.faa.gov/documentLibrary/media/Notice/N_8900.691_FAA.pdf

Order 8900.2C General Aviation Airman Designee Handbook

https://www.faa.gov/documentLibrary/media/Order/FAA_Order_8900.2C.pdf