

# SAFETY PILOT QUALIFICATIONS

***There is more to the selection, role and responsibilities of a safety pilot than most pilots realize.***

By Ron Levy

It has been some time since you did any instrument flying or perhaps you're in the six month twilight zone. Whatever the reason, you need some hood time, and that means a safety pilot. What's required to be a legal safety pilot? How should you brief that person on roles and responsibilities? And how do each of you log the flight?

There is confusion about the legal requirements for a safety pilot, some due to recent regulation changes and legal interpretations from the FAA Chief Counsel.

## Essential Requirements

Let's start with the basic rule, 91.109(c): *No person may operate a civil aircraft in simulated instrument flight unless (1) The other control seat is occupied by a safety pilot who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown.*

Every safety pilot needs at least a Private Pilot certificate, with the appropriate category and class for the aircraft. No Student, Recreational, or Sport Pilots, and if you're doing this in a twin, they must have a multi-engine rating. In addition, since a Private Pilot or better is required, the safety pilot will be exercising Private Pilot privileges which, under 61.23(a)(3)(i), means they must hold at least a Third Class medical. But that is it—Private with category/class, and medical.

Here is what the safety pilot acting only as a safety pilot *does not* need:

**Current flight review:** Per 61.57(c), only the Pilot in Command (PIC) needs to be flight review current.

**Instrument rating:** Despite what it appears to say in 61.55(a), per the Chief Counsel's 2013 *Beatty* interpretation, a pilot acting only as a 91.109(c) safety pilot does not require an instrument rating even if the flight is operating under instrument flight rules. Obviously, in that case, the instrument currency requirements of 61.57(c) do not apply to the safety pilot either.

**Additional training endorsements** (61.31) for complex, high performance, high altitude, and tailwheel apply only to the PIC.

**Landing currency** (61.57(a))/(b)—applies only to the PIC.

**Type rating** also applies only to the PIC. You can be the safety pilot in a *Citation I/SP* as long as you have a multi-engine rating and the pilot flying has the single-pilot authorization.

The above discussion assumes the safety pilot is acting only as safety pilot and not required by any other regulation. If the safety pilot is also acting as a designated Second in Command (SIC) required by the aircraft's type certificate (say, a LearJet or DC-3), or other regulations (e.g., Part 121 or 135), then the safety pilot must also meet all the requirements to act as SIC under those regulations as well as those for a safety pilot.

The general requirements to act as a designated SIC are given in 14 CFR 61.55, but other rules (such as those for SIC's under Part 135) may also apply, and may include an instrument rating, landings, type-specific training, etc.

Also, if the safety pilot is also acting as PIC (say, because the pilot flying doesn't have a medical certificate), then they must meet all the PIC requirements including flight review, additional training endorsements, landing currency (since a passenger, i.e., the pilot flying, is in the plane), and instrument rating and currency (if the flight is operating under IFR).

## Where To Sit?

One other consideration is where you are going to put your safety pilot. Per 91.109(c), not only must the safety pilot occupy a control seat, but the PIC must ensure: (2) *The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot.*

That's a judgment call for the PIC. In some tandem aircraft, the view from the back seat isn't good, and you might consider (if possible) putting the safety pilot in the front and flying from the back. That's the way the military does it in tandem trainers like the T-38. Of course, those military aircraft have a full set of



instruments and avionics displays in the back seat, and many light civil tandem-seat aircraft do not. As PIC, it's up to you to decide what is needed to fly the plane, and you may conclude you cannot fly instruments from the back seat. However, if the safety pilot isn't comfortable performing that job from the back seat, you should not press that issue.

Another issue is that of exactly what controls are available to the safety pilot. Paragraph 91.109(c)(1) says a control seat, but goes on to say: (3) *Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when: (i) The safety pilot has determined that the flight can be conducted safely; and (ii) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.*

What do *fully functioning dual controls* entail? The FAA Chief Counsel has said that means the ability to operate the elevator, aileron, and rudder controls (assuming you have them all—Ercoupe pilots take note) as well as the primary power control. A centrally mounted shared stick/yoke or throttle meets those requirements. Brakes are not required. But as noted, if the only primary flight control is a single throwover yoke (*Bonanza*), you can still do this as long as the safety pilot agrees and the pilot flying is rated per subparagraph (ii)—which they should be anyway if acting as PIC.

## Roles And Responsibilities

Since you're the PIC of an airplane requiring only one pilot, the safety pilot is not considered a SIC under the FAR's, and it is entirely your prerogative to decide their job. Obviously, the primary role is looking outside for other aircraft, and providing that information to the pilot flying. It's



up to the PIC how to handle it from there. Perhaps calling the location is sufficient along with whether the traffic appears to be a factor. The PIC may want the safety pilot to be directive about any necessary avoidance maneuver. The PIC might even decide the safety pilot should take the controls to perform any needed avoidance maneuver (using the appropriate change of control procedures).

Beyond that, it's matter for pre-flight discussion, including who will talk on the radios and when (perhaps the pilot flying for most calls, but the safety pilot to handle traffic calls from ATC), whether or not (and if so, how) the safety pilot should handle spatial disorientation or potential controlled flight into terrain, as well as deviations from ATC clearances or instrument procedures being flown. How you decide to handle this is up to you as PIC. You may feel the safety pilot is exceptionally well-qualified, and you are happy to let him/her take the controls from you if things are coming apart. You may feel that you are not willing to delegate that much authority to your safety pilot. Make sure you go over all this and agree on all the rules before engine start.

## The Question Of Logging

The pilot flying can log PIC time (as sole manipulator), and all the currency events (landings, approaches, holding, and interception and

tracking). The pilot flying can also log cross-country time, if applicable. Even though the safety pilot is not a designated SIC, s/he is still a required pilot crew member while the hood is on, and the Chief Counsel says they can still log SIC time under 61.51(f)(2): *Holds the appropriate category, class, and instrument rating (if an instrument rating is required for the flight) for the 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.*

What the non-SIC safety pilot cannot log is cross-country time—the 2009 *Gebhart* letter. And since the safety pilot is not a designated SIC, they cannot log instrument time even if they enter actual instrument conditions during the flight—the 1999 *Carpenter* letter.

Getting hood time is a valuable tool to maintain instrument proficiency and currency. It's not hard to find a safety pilot who meets the regulatory requirements, but the PIC is responsible for making sure the safety pilot both meets those rules and also understands their duties and responsibilities. If you understand these issues, you should be able to find and brief someone to fill that job.

*Ron Levy instructs in the ten-day instrument program and is a former Navy Flight Officer on the A-6.*