61.118

AGC-20

G

CONCUR

NONCONCUR

DATE 3/22/76

61.118(b)

In Reply Refer To: ACE-7

February 13, 1976

Mr. Paul D. Ware

[redacted]

Dear Mr. Ware:

This is in response to your letter of February 12 concerning your telephone conversation on the 11th with both Inspector Peck of our Kansas City GADO and myself. You question the interpretation given you and wish confirmation in writing.

As I understand the facts as given by you, you are a student at the Maple Woods Community College and desire to advertise on the bulletin board for passengers to share expenses in local flights around Kansas City in order to defray your expenses while you build time.

While the share-the-cost operations under the provisions of Section 61.118(b) are permissible, the circumstances of the particular case must indicate that it is a bona fide "share-the-cost" situation, i.e., that it is a joint venture situation for a common purpose with the expenses being defrayed by all of the passengers on the aircraft including, of course, yourself. For instance, if you plan to go to St. Louis for a weekend, there would be nothing wrong with your advertising on the school bulletin board for other students to accompany you in order to defray your costs. You may wish also to refer to Amendment 61-8 effective May 4, 1964, titled "Clarification of Private Pilot Privileges" which discusses the share-the-cost concept.

However, if I understood the facts as given to me on the telephone correctly, your purpose for the flights you intend is to build time, and thus constitutes an operation for gain or advantage other than the transportation itself. As such, it would be considered an operation for compensation or hire. It may be that neither Inspector Peck nor I myself adequately explained the basis behind our position, and I hope that you find the foregoing of assistance.

Sincerely yours,

KENNETH E. GEIER
Regional Counsel

cc: ACE-GADO-11 (Mr. Peck); AGC-20

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File 3.25

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