U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

Mr. Hal Klee
Executive Director
Pilots & Passengers Association
7310 Ritchie Highway
Glen Burnie, MD 21061

Dear Mr. Klee:

We have reviewed several brochures advertising the services of Pilots & Passengers Association (PPA). These brochures offer to match prospective passengers wanting to fly to a certain destination with a pilot willing to provide the flight in return for expenses. The brochures offer pilots the opportunity to reduce or eliminate the cost of flying by carrying these passengers who are willing to contribute to the expenses of a flight.

In general, any payment for a flight, even a partial payment, means that the flight is for compensation or hire. This is true even if the payment is made under the "expense sharing" provisions of Section 61.118(b) of the Federal Aviation Regulations (FAR) which allows private pilots to share the expenses of a particular flight with passengers. Thus, each pilot who accepts payment from passengers for a flight arranged by PPA is engaged in flying for compensation or hire.

In addition, because these passengers are solicited for the flight by PPA from a broad segment of the general public, we have concluded that each pilot carrying paying passengers from PPA is probably engaged in common carriage. This means that each pilot becomes an air carrier subject to the certification and operating rules of Part 135 of the FAR.

We realize that our conclusion regarding common carriage may have considerable consequences for PPA's operation. We would be willing to meet with you to explain our position more fully or to explore any alternatives available to PPA. If you want to arrange a meeting, please call Craig Weller of my staff at (202) 426-3080.

I should also mention that we have received inquiries from aviation insurers concerning PPA. We have responded with the conclusion that PPA's pilots are engaged in common carriage.

Sincerely,

John H. Cassady
Assistant Chief Counsel
Regulations and Enforcement

cc: Kenneth G. Kaplan
Assistant General Counsel for
Aviation Enforcement and Proceedings
Department of Transportation