January 14, 1993

Joel C. Humke
J.C. Humke and Associates,
Inc. 516 Zion Street
Aurora, CO 80011-8638

Dear Mr. Humke:

This is in response to your letter dated December 21, 1993 regarding use of your private pilot certificate in your business.

In your letter you asked whether you can transport passengers of another company on a shared expense basis. You state that the flights you undertake are for the purpose of your independent consulting business. You state that the transportation of the passengers would be incidental to your own need to get to a site for your business. The passengers would be going to the same location for their business activities, but you state that their business activities are dissimilar to work you perform.

Section 61.118 of the Federal Aviation Regulations (FAR)(14 Code of Federal Regulations 61.118) outlines the privileges and limitations of exercise of your private pilot certificate. Under 61.118(b), a private pilot may share the operating expenses of a flight with his passengers. Interpretations of this provision make it clear that the flight involved must be one which the pilot would undertake whether or not the passengers were present. Your description of the flights in your letter would fit this requirement; you are going on the trip anyway and transportation of the passengers is incidental to your flight.

You must also be aware that there are limits on the types of expenses that may be shared. You may share only the direct expenses of the flight. For example, you may share aircraft rental charges for the flight, fuel costs, landing fees or tie down fees. You may not share general aircraft maintenance costs, depreciation, insurance, or other indirect costs of flight.

The section also contemplates that the sharing of expenses is done directly with the passengers involved. It would be acceptable to be reimbursed by the passengers or their employer, but it would not be acceptable to be "paid" by the customers of the passengers. The passengers may be separately reimbursed by a customer, but the payment you receive should come from the passengers or their immediate employer.

If your carriage of the passengers is truly incidental to your travel, if their performance of services is independent of your own business, and if you limit your reimbursement to the expenses described above, your carriage of passengers should be consistent with section 61.118.

Sincerely,

George L. Thompson
Assistant Chief
Counsel