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

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

March 16, 2006

Mr. Kenneth P. Quinn
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2300 N Street, NW
Washington, DC 20037

RE: Charging Prospective Purchasers for the Deadhead Portion of Demonstration Flights

We received your letter requesting guidance and interpretation of the Federal Aviation Regulations. The facts, as outlined in your letter are as follows:

Your client is an aircraft equipment manufacturer who desires to charge prospective purchasers for the costs incurred to fly an aircraft to a customer for demonstration. These flights are empty legs or "deadhead" portions of the demonstration flights that are conducted under § 91.501(b)(3). Under your proposal, the charges would be strictly limited to the expenses allowed in § 91.501(d)(1).

The FAA has determined that your client may charge prospective purchasers for the empty leg portion of the flight. Moreover, the FAA has determined that the charges need not be restricted to the amounts specified in § 91.501(d).

Section 91.501(b)(3) allows an operator to conduct flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in § 91.501(d). However, the empty leg does not fall under § 91.501(b)(3) because there are no people or property on board aircraft, (other than the crew positioning the flight). Thus, there is no "demonstration" and the provisions of § 91.501(b)(3) do not apply. Your client is free to charge whatever it wishes for the expenses of positioning the aircraft for the purpose of conducting a demonstration flight. The FAA emphasizes, however, that this interpretation is based on the assumption that the empty leg is truly empty. There can be no passengers or property on the aircraft if any charge other than the 501(d) charges are made.

We trust that this interpretation is responsive to your inquiry. This interpretation was prepared by the Operations Law Branch of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service. Please contact us if we can be of further assistance.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations