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

Office of the Chief Counsel

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

JUL 27 2007

Mr. Ryan Hartman
[redacted]

Dear Mr. Hartman:

You ask whether your proposal to form a network among individual private plane owners, (none of which are private flight department companies), to provide transportation to each other, at no charge except accrued mileage, for related and unrelated business purposes of the flight, would qualify as the type of operation permitted under 14 CFR section 91.501(b)(5) and obviate the need to obtain an FAA operating certificate under 14 CFR Part 119.

Section 91.501(b)(5) is available for use by a company, or a parent or subsidiary of the company. Your proposed network of individual plane owners is not a company, or a parent or subsidiary of a company, and would not be eligible for the 91.501(b) exception.

Second, you ask whether an interchange agreement under 91.501(c)(2) would allow your "network" of private plane owners to operate under 14 CFR part 91. Section 91.501(c)(2) defines interchange agreement, however, section 91.501(b)(6) is the operating rule governing interchange agreements. It states that "operations that may be conducted under the rules in this subpart instead of those in parts 121, 129, 135 and 137 of this chapter when common carriage is not involved, include . . . the carriage of company officials, employees and guests of the company on an airplane operated under a time sharing, interchange or joint ownership agreement as defined in paragraph (c) of this section." Since your proposal involves a network of individual plane owners rather than a company, an interchange agreement is not an appropriate vehicle.

Trade associations, aviation lawyers, or other individuals may be able to provide you with helpful information in this area, or assist you in developing a vehicle that meets your needs. We have also enclosed three previous letters of legal interpretation which you may find helpful. This office does not provide assistance in creating business arrangements that meet the requirements of sections 91.501(b)(5) and (6).

This response has been prepared by Cecile O'Connor, Attorney in the Regulations Division of the Office of the Chief Counsel. If you have additional questions regarding this matter, please contact us at your earliest convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations

Enclosures