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

Office of the Chief Counsel

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

JUL 24 2008

Jeffrey M. Bauer
Baker Botts L.L.P.
The Warner
1299 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Mr. Bauer:

This responds to your email received on February 6, 2008 requesting an FAA legal opinion concerning "whether time-sharing agreements between a corporation and an individual are permitted under the FAA regulations." You indicate you found two "FAA interpretations from 1991 that suggest that time-sharing agreements between a corporation and an individual are not permitted under the regulations." However, you state your belief that it is "currently a common practice for a corporation to enter into a time-sharing agreement regarding its aircraft with an individual company official."

As you note, the current industry practice appears to be consistent with the FAA regulations at section 91.501(c)(1) which defines a "time sharing agreement" as an "arrangement whereby a person leases his airplane with flight crew to another person...." Part 1, section 1.1 defines "person" as "an individual, firm partnership, corporation, company, association, joint-stock association, or governmental entity."

However, the key to any flight under section 91.501 is who has operational control. In the example you provide between a company and an individual, if the flight is being provided under the individual's side of the time-sharing agreement, the individual will be assuming operational control of the aircraft. If the individual is willing to assume such responsibility, 14 C.F.R. § 91.501(b)(6) permits the arrangement.

This response was prepared by Bruce Glendening, Attorney in the Regulations Division of the Office of the Chief Counsel and has been coordinated with the Flight Standards Service, AFS-800. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel, Regulations Division (AGC-200)