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

Office of the Chief Counsel

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

SEP 22 2008

Timothy M. Metzinger
[redacted]

Dear Mr. Metzinger:

This is in response to your November 6, 2007, request for a legal interpretation. In your letter you asked whether a private pilot may participate in an airlift for a charitable, nonprofit, or community event, which complies with section 91.146, and collect reimbursement consisting of a pro rata cost of owning, operating, and maintaining the aircraft for that flight, including such costs as fuel, oil, airport expenditures, and rental fees. You provided an example of a private pilot renting an airplane at a cost of $300, giving three sightseeing rides, each with a single passenger, and receiving reimbursement of $150.00, which is the pro rata share of the rental costs.

Section 61.113 sets forth the privileges and limitations of the holder of a private pilot certificate. That section states, in relevant part, that a person who holds a private pilot certificate may not act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as pilot in command of an aircraft. However, section 61.113(d) specifically allows a private pilot to act as a pilot in command of a charitable, nonprofit, or community event flight if both the sponsor and pilot comply with the requirements of section 91.146.

Section 91.146 permits a private pilot to act as pilot in command of a passenger-carrying flight or series of flights for up to four charitable or nonprofit events per year, or one community event per year, provided the event sponsor does not exceed those limitations. The private pilot and sponsor must comply with all other requirements identified in section 91.146 for that exception to apply. Section 91.146(b)(7) allows reimbursement of the operator for the flight, which could be a private pilot, provided that the reimbursement does not exceed the pro rata cost of owning, operating, and maintaining the aircraft for that flight, which may include costs such as fuel, oil, airport expenditures, and rental fees.

Assuming full compliance with section 91.146, a private pilot could be reimbursed for the pro rata cost of owning, operating, and maintaining the aircraft without violating section 61.113 because of the exception provided in both sections 61.113(d) and 91.146.

We hope this response has been helpful to you. Please contact us at (202) 267-3073 if we can be of further assistance. This interpretation was prepared by Robert Hawks, an Attorney in the Regulations Division of the Office of Chief Counsel, reviewed by Paul Greer, Acting Manager of the Operations Law Branch, and coordinated with Certification and General Aviation Operations Branch of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200