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

Office of the Chief Counsel

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

OCT - 8 2010

Mr. Randy R. Hutton
Director, Corporate Aviation
Harley-Davidson Motor Company
5460 S. Howell Avenue
Milwaukee, WI 53207

Dear Mr. Hutton:

This letter is in response to your June 14, 2010 request for interpretation of 14 C.F.R. § 91.501. In your letter you ask whether Harley-Davidson could charge participants in a "fantasy camp" for transportation between Harley-Davidson facilities on a company aircraft under the provisions of § 91.501(b)(5).

You indicate that individuals would participate in the fantasy camp for a fee which "is intended to cover all the expenses associated with this experience including . . . the incremental cost of flying the Company aircraft." You also state that the carriage of the passengers would be within the scope and incidental to your primary business of marketing, promoting and selling motorcycles and related products.

Section 91.501(b)(5) permits companies to recoup certain expenses for providing air transportation to company officials, employees, guests, and property "when the carriage is within the scope of and incidental to, the business of the company." In your scenario, Harley-Davidson would be providing air transportation to the fantasy camp participants for their own pleasure or vacation. Although you state that the fantasy camp experience is for the "marketing, promoting, and ultimately selling" your products, we do not agree that providing air transportation to a group of people whose primary purpose for travelling is a pleasure trip would be within the "scope of, and incidental to," Harley-Davidson's business as contemplated by the rule. *See* Legal Interpretation to Mr. Star, from Donald P. Byrne, Assistant Chief Counsel, Regulations Division (Aug. 2, 1993) (finding that "no charge may be made when officials, employees, and guests are carried on a company airplane for vacation, pleasure trip, or similar purposes.").

Accordingly, Harley-Davidson would need to obtain a part 119 operating certificate to conduct the proposed operations.

This response was prepared by Dean Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of additional assistance.

Sincerely,

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