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

Office of the Chief Counsel

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

DEC 7 2012

Gary Bruce Eaton
[redacted]

Dear Mr. Eaton:

This letter responds to your request for legal interpretation dated July 23, 2012. You have asked whether a legal interpretation issued in 1977 is consistent with the current regulations regarding compensation and hire for private pilots at balloon events. (Legal Interpretation to Tucker Comstock, September 8, 1977.)

Current 14 C.F.R. § 61.113 states that "no person who holds a private pilot certificate may act as a 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." This provision is similar in all relevant respects to the requirements in former § 61.118 that was in effect in 1977. In reviewing the scenarios outlined in the Comstock Interpretation, we have determined that the FAA's response accurately reflects current regulations governing compensation and hire for private pilots participating in balloon events. We note that, although the FAA has defined compensation broadly, the key consideration in determining if a private pilot is acting as pilot in command of an aircraft for compensation or hire is whether the pilot's receipt of something of value (e.g. reimbursement of expenses like fuel, transportation, lodging, or meals) is conditioned upon the pilot operating the aircraft. (Legal Interpretation to John W. Harrington, October 23, 1997.)

This response was prepared by Anne Moore, an attorney in the Regulations Division of the Office of the Chief Counsel, and has been coordinated with the Airman Certification and Training Branch of Flight Standards Service. If you have any additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for International Law
Legislation and Regulations Division, AGC-200