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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

FEB 25 2013

Mr. Andrew Stoner
[redacted]

Dear Mr. Stoner:

This is in response to your inquiry concerning whether paying only fuel costs for the use of an airplane constitutes compensation for a private pilot under 14 C.F.R. § 61.113. We apologize for the delay in responding to your request.

In your letter you propose the following scenario; a friend who owns an airplane allows you to fly his airplane for only the cost of fuel. He does not charge you any other costs for using his airplane, e.g. non-fuel related operating costs, such as maintenance fees, oil, etc. You ask if the FAA would consider this arrangement as compensation under 14 C.F.R. §61.113. We cannot issue an interpretation for your particular circumstances because you have not provided enough details about the exact nature of the arrangement and the purpose and intent of the flight.

In general, however, the FAA construes the term "compensation" very broadly. We note that while 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 is conditioned on the pilot operating the aircraft. (Legal Interpretation to John W. Harrington, October 23, 1997.)

In the hypothetical example you provided, you as the pilot are obtaining an airplane from an individual who is not charging the full range of costs associated with operation of an airplane. Thus, depending on the terms of the arrangement with your friend and the purpose of the flight, you might receive some financial benefit that may fit under the broad interpretation of compensation under §61.113.

We hope this response is helpful to you. If you have additional questions regarding this matter, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for International Law, Legislation,
and Regulations, AGC-200