Dear Prof. Levy:

This letter responds to your request for an interpretation of the Federal Aviation Regulations governing the sharing of expenses with fellow passengers by private pilots. Your request concerns the posting of offers of transportation by air on the website www.pilotsharetheride.com. We do not view such a solicitation by itself as running afoul of the regulations, although individual postings may raise issues of potential violations.

Section 61.113 of the Federal Aviation Regulations (14 CFR) sets forth the private pilot privileges and limitations. Section 61.113(c) provides, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees." Furthermore, the flight must be one for a common purpose of all the aircraft occupants, i.e., going to a destination at which the pilot and passengers have business or other activities. 1 FEDERALAVIATIONDECISIONS Interpretation 1977-81 (citing former § 61.118(b), which simply provided, "A private pilot may share the operating expenses of a flight with his passengers") (Clark Boardman Callaghan, 1993); id., Interpretation 1978-19; see also 2 FEDERALAVIATION DECISIONS, Interpretation 1985-26 (1993).

The sharetheride website you have referred to allows for posting by pilots looking for passengers to share expenses, and by persons looking for a ride. The homepage specifically refers to sharing expenses and the limitations provisions of 14 CFR § 61.113. The ability of pilots to list flights with no specificity as to date or points of operation would appear to ignore the common purpose requirement, however, and raises concern about the potential holding out an offer of air transportation in violation of §119.5(k), which prohibits advertising or otherwise offering to perform an operation requiring direct air carrier certification. See Interpretation...
Dear Prof. Levy:

This letter responds to your request for an interpretation of the Federal Aviation Regulations governing the sharing of expenses with fellow passengers by private pilots. Your request concerns the posting of offers of transportation by air on the website www.pilotsharetheride.com. We do not view such a solicitation by itself as running afoul of the regulations, although individual postings may raise issues of potential violations.

Section 61.113 of the Federal Aviation Regulations (14 CFR) sets forth the private pilot privileges and limitations. Section 61.113(c) provides, "A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees." Furthermore, the flight must be one for a common purpose of all the aircraft occupants, i.e., going to a destination at which the pilot and passengers have business or other activities. 1 FEDERALAvIATIONDECISIONs, Interpretation 1977-81 (citing former § 61.118(b), which simply provided, "A private pilot may share the operating expenses of a flight with his passengers") (Clark Boardman Callaghan, 1993); id., Interpretation 1978-19; see also 2 FEDERALAvIATION DECIsIONS, Interpretation 1985-26 (1993).

The sharetheride website you have referred to allows for posting by pilots looking for passengers to share expenses, and by persons looking for a ride. The homepage specifically refers to sharing expenses and the limitations provisions of 14 CFR § 61.113. The ability of pilots to list flights with no specificity as to date or points of operation would appear to ignore the common purpose requirement, however, and raises concern about the potential holding out an offer of air transportation in violation of §119.5(k), which prohibits advertising or otherwise offering to perform an operation requiring direct air carrier certification. See Interpretation
1978-19 (use of college bulletin board or advertising in other form raises question of holding out). Part 119 would not cover, however, an operation involving the genuine sharing of expenses.

We perceive nothing in the *sharetheride* program itself that indicates the unlawful offer of air transportation; although we also appreciate the potential for abuse as a means for a pilot to build time subsidized in part by others. The commission of a violation will depend on the details of the operation flown by the posting pilot.

I trust that this response satisfactorily answers your question. Should you need any further clarification, please contact Stephen Brice in this office at (718) 553-3268.

Sincerely,

LORETTA E. ALKALAY
Regional Counsel