

CAP AIRCRAFT OPERATIONS UNDER FAR EXEMPTIONS

General: The FAA in 1981 ruled that CAP aircraft operations are considered those of "civil aircraft" and not "public aircraft" and are therefore subject to the Federal Aviation Regulations (FARs).

FAA Exemptions for CAP Operations: All CAP operations are conducted under the FARs unless specifically exempted by the FAA. CAP has obtained FAA exemptions in two areas:

1. FAR Part 61 – Reimbursement of Private Pilots

- The FAA Exemption to FAR Part 61.113(e), exemption number 6771B, allows CAP members who are private pilots flying Air Force assigned (Categories A and B) "search and locate" missions to be reimbursed for certain expenses.
- Reimbursement for member-furnished aircraft is included.
- Per diem is allowed.
- Only reimbursement and per diem provided for in CAP Regulation 173-3, *Payment for Civil Air Patrol Support*, are allowed, and only at the rates and in accordance with the procedures set forth in that regulation.

2. FAR Part 91, Subpart F – Large and Turbine Powered Multi Engine Airplanes

- This exemption, number 6485, applies only when a non-member passenger or property not owned by CAP is being carried on a flight that CAP would be making even if the non-member passenger or property was not on board.
- CAP is allowed to receive limited payment while operating **small aircraft** under the General Operating and Flight Rules of FAR Part 91 instead of Part 135. All of the additional rules of FAR Part 91.501-91.599 apply.
- The exemption allows:
 - CAP to receive payment (not in excess of the cost of owning, operating, and maintaining the airplane) from sources other than CAP, i.e., FEMA, Red Cross, NWS, FAA, when non-member persons (other than crewmembers) are carried,

and

 - CAP to receive payment (not in excess of twice the cost of fuel, oil, lubricants, and other additives plus the out of pocket costs of the flight) from sources other than CAP, i.e., FEMA, Red Cross, NWS, FAA, when property belonging to other than CAP is to be transported (i.e., – Red Cross blood transport).
- The CAP pilot in command (PIC) conducting operations under this exemption must hold a commercial pilot certificate with appropriate category and class ratings for the aircraft to be used in the operation. The PIC also must hold an instrument rating except when conducting day VFR flights within 50 nautical miles of the departure airport.
- The PIC conducting operations under this exemption must hold at least a current second-class medical certificate.
- The aircraft used for operations conducted under this exemption must be maintained and have 100-hour and annual inspections performed in accordance with FAR part 43 and part 91.

The full text of these exemptions can be found at <http://aes.faa.gov/>

The following chart sets summarizes the applicable FAA rules for various types of CAP missions. As used in the FARs, "aerial work operations" refers to a flight that originates and terminates at the same point and where the purpose of the flight is to perform some mission in the air during the course of the flight. "Transportation" refers to a flight that originates and terminates at different points, where the purpose of the flight is to go from the point of origin to the point of destination.

CAP MISSIONS AND PILOT LIMITATIONS

IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Search and Locate	Pilot crewmembers, CAP members, Armed Services, Authorized Government Employees	A or B Reimbursed or Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	In accordance with CAPR 173-3	Exemption 6771
		C Reimbursed or Not Reimbursed	See Aerial Work Operations			
	Other Passengers	A	Any	Private Pilot	Fuel, oil, airport expenditures, or rental fees	FAR 61.113(e)
		B or C Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
Aerial Work Operations (Aerial imaging, radio relay)	Crewmembers (FAR 1.1)	Any	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
	Passengers or Non-CAP Property	Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation

						1997-23
IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Domestic CAP Cadet Orientation Flights IAW CAPP 52-7, AFROTC, AFJROTC Orientation Flights	Pilot, CAP Cadets, AFROTC Cadets, AFJROTC Cadets	A Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Reimbursed with other than AF Funds	Any	Commercial	Any Expenses Authorized by CAP	
Overseas CAP Orientation Flights	Pilot crewmembers, CAP Cadets	Any	AF Aero Club Owned	Commercial Pilot with Instrument Rating or ATP	Any Expenses Authorized by CAP	Exemption 6771, CAPR 60-1 Para 3-2 f (6)
Transportation	Passengers or Non-CAP Property	A & B Reimbursed Or C Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(c), Interpretation 1997-23
				Commercial Pilot	Any Expenses Authorized by CAP	Exemption 6485
		C Reimbursed	Any	Not Authorized - Part 135	N/A	FAR 119.1

Note 1: Pilot may not pay less than the pro rata share of the operating expenses, provided the expenses involve only fuel, oil, airport expenditures, or rental fees **OR** pilot may not log flight time.

Note 2: Exemptions cited reflect the current extension (A, B, C, etc.).