



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

November 9, 2018

Exemption No. 18056
Regulatory Docket No. FAA-2018-0881

Mr. Jonathan Plesset
Co-Founder
Pittsburgh Aviation Animal Rescue Team
15 Allegheny County Airport
West Mifflin, PA 15122

Dear Mr. Plesset:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

By letter dated September 20, 2018 and revised on October 16, 2018, you petitioned the Federal Aviation Administration (FAA) on behalf of Pittsburgh Aviation Animal Rescue Team (PAART) for an exemption from § 61.113(c) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow PAART to reimburse its volunteer pilots for fuel, oil, airport expenditures, or rental fees incurred while conducting charitable flights.

The FAA has issued grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 17899, as amended (copy enclosed), the FAA found that rescuing endangered sea turtles was in the public interest. Volunteer pilots involved in those humanitarian efforts could be reimbursed for fuel costs incurred while transporting the sea turtles to rehabilitation facilities. Although Exemption No. 17899 allowed reimbursement only for fuel costs, exemption to § 61.113(c), if granted, allows PAART to reimburse its volunteer pilots for expenses involving only for fuel, oil, airport expenditures, or rental fees.

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The FAA has also found that when money is exchanged for transportation, the public expects, and the FAA has a duty to demand, a higher level of safety for the flying public. The FAA believes that by requiring the petitioner to comply with the conditions and limitations of this exemption, the FAA can ensure a higher level of safety for the individuals participating in these charitable flights.

The relief required by the petitioner for private pilots to be reimbursed for certain costs requires relief from § 61.113(c). The petitioner also requires relief from § 61.113(a) as the flights include a second pilot and property, specifically rescued dogs.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 17899, as amended;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 17899, as amended, also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to PAART.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Pittsburgh Aviation Animal Rescue Team an exemption from 14 CFR §§ 61.113(a) and (c) to the extent necessary to allow PAART to reimburse its volunteer pilots for expenses involving only fuel, oil, airport expenditures, or rental fees incurred while conducting charitable flights, subject to the conditions and limitations described below.

Conditions and Limitations

1. The following definitions apply for the purposes of this exemption:
 - a. Charitable Dog Rescue Flight (CDRF). A flight operation to provide transportation to relocate dogs in need of urgent rescue, if the aircraft owner or operator has volunteered to provide such transportation. A CDRF may not carry persons other than the pilot in command (PIC) and a second pilot qualified as a PIC.
 - b. Volunteer Pilot Organization (VPO). An organization that:

- i. is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and
 - ii. is organized for the primary purpose of providing, arranging, or otherwise fostering charitable transportation for dogs in need of rescue.
2. Before exercising the privileges of this exemption, PAART must ensure it meets the definition of a VPO and that the flight meets the definition of a CDRF, as specified in Condition and Limitation No. 1. The PAART must receive a determination by the Internal Revenue Service (IRS) that the organization meets the requirements for a 501(c)(3) tax-exempt status before exercising the privileges of this exemption.
3. This exemption may be exercised only for CDRFs conducted by PAART. A CDRF includes flights that are intended to reposition the aircraft to the pick-up location, as well as reposition the aircraft following the drop-off. Repositioning flights must be between the aircraft home base and the point of pick-up/drop-off by the most practical route. The CDRF, including repositioning flights, may not carry any occupant other than the flight crew of two PAART qualified pilots. A CDRF may not be used to transport dogs as part of a sales or purchase agreement.
4. PAART must ensure the following items are available to any representative of the FAA Administrator, upon request:
 - a. A detailed description of PAART's process for verification of pilot qualification and training. This process must include a means to verify the pilot in command and the second pilot qualifications to act as a crewmember prior to each flight;
 - b. Documentation showing all PAART pilots' flight experience, airman certificate information, and currency of FAA medical certificate;
 - c. Documentation from each pilot showing that, at the time he/she accepts a CDRF under this exemption, he/she meets all minimum standards and appropriate currency requirements established by PAART, part 61, and all conditions and limitations of this exemption; and
 - d. Documentation of each flight and reimbursement containing the following information, at a minimum:
 - i. Name and pilot certificate number of the PIC;
 - ii. Name and pilot certificate number of the second pilot;
 - iii. Name and identifier of the departure and arrival airports;

- iv. Date and time of departure and arrival; and
 - v. Expense reimbursed for each expense (fuel, oil, airport expenditures, or rental fees) and amount of the reimbursement.
- e. All the documentation required under Condition and Limitation No. 4 must be maintained by PAART for a minimum of 24 calendar months after the CDRF.
5. All pilots (both PIC and second pilot) operating under the terms of this exemption must possess the following certificates, qualifications and aeronautical experience:
- a. At least a private pilot certificate with category and class ratings for the aircraft to be flown and an instrument rating in the category of aircraft to be flown, or an Airline Transport Pilot (ATP) certificate with category and class ratings for the aircraft to be flown. If the aircraft requires a type rating, both pilots must hold the type rating on their airman certificate.
 - b. A minimum total time of 500 hours, with no less than 400 hours as PIC, and a minimum of 50 hours in the specific make and model of the aircraft being flown;
 - c. A minimum of 50 hours as PIC must have been logged within the preceding 12 calendar months immediately preceding the month of the flight;
 - d. A minimum of 12 hours flown and logged within the preceding 3 calendar months prior to the month of flight. In lieu of this requirement, a pilot may have logged 2 hours of flight training with a certificated flight instructor within the preceding 3 calendar months prior to the month of the flight;
 - e. A second-class medical certificate per §§ 61.2 and 61.23(a)(2)(ii);
 - f. A current flight review per § 61.56(a) in the same aircraft category, class, and type, if a type rating is required, being flown;
 - g. Within the preceding 12 calendar months, have accomplished an instrument proficiency check (IPC) meeting the requirements of § 61.57(d). The IPC must be conducted in accordance with the Instrument Rating Practical Test Standards or Instrument Rating Airman Certification Standards, as appropriate. This requirement can be substituted by a FAA practical test for an ATP certificate or instrument rating.
 - h. In addition to meeting the IPC requirement of § 61.57(d) as specified in Condition and Limitation No. 5(g), the pilot must meet the recent flight

experience requirements of § 61.57(c) in the same aircraft category, class, and type, if a type rating is required, being flown;

- i. For all operations under this exemption, the pilot must meet the recent flight experience requirements for night operations per § 61.57 (b) in an aircraft of the same category, class, and type, if a type rating is required.
6. All operations under this exemption must be in compliance with the following flight duty, rest, and flight time limitations. A duty day starts when the pilot arrives at the airport and begins preparation for the flight and terminates upon completion of the post flight inspection of the aircraft.
- a. No pilot may fly more than 8 hours of flight time per § 61.1 within any 24-consecutive-hour duty day period;
 - b. No pilot may perform a duty day in excess of 12 consecutive hours; and
 - c. Once the pilot has performed 12 consecutive hours of duty, the pilot must rest a period of at least 12 hours before conducting any other CDRF.
7. Prior to each takeoff, the PIC must ensure that second pilot has been orally briefed on the following:
- a. The flight is being permitted under this grant of exemption and that the operator is not a certificated commercial operator;
 - b. When, where, and under what conditions smoking is allowed;
 - c. Use of safety belts and shoulder harnesses including when, where, and under what conditions it is necessary to fasten the second pilot's safety belt and, if installed, shoulder harnesses;
 - d. The placement of seat backs in an upright position before takeoff and landing;
 - e. Location and means for opening all aircraft entry doors and emergency exits;
 - f. Location of survival equipment;
 - g. Use of normal and emergency oxygen installed; and
 - h. Location and operation of fire extinguishers.

- i. Confirmation that the second pilot is not a second-in-command (SIC) and may not log SIC flight time, unless the aircraft being flown requires two pilots by the aircraft's Type Certificate Data Sheet (TCDS) or aircraft flight manual.

An FAA sample briefing document can be found in the July/August 2014 edition of the FAA Safety Briefing Magazine, located online at:

http://www.faa.gov/news/safety_briefing/2014/media/JulAug2014.pdf#page=26

8. PAART must implement procedures to notify any individual that inquires about receiving or scheduling a CDRF that the flight operation is for charitable purposes and is not subject to the same FAA requirements as a commercial flight.
9. Each aircraft operated under this exemption must have a standard airworthiness certificate.
10. The aircraft must be maintained and inspected in accordance with 14 CFR part 91 Subpart E, 14 CFR part 43, or other inspection programs approved by the FAA.
11. All pilots operating under this exemption must comply with the following requirements:
 - a. All flights operated under this exemption must activate an IFR flight plan. The earliest the flight plan may be canceled is upon visual contact with the destination airport;
 - b. For flights in instrument meteorological conditions (IMC), each pilot may only use airports that have a functioning, published, precision approach procedure;
 - c. Each pilot must add 100 feet and ½ mile to all instrument approach minimums;
 - d. Each pilot must add 50 percent to pilot operating handbook (POH) runway length performance for obstacle clearance on takeoff and landing under ambient conditions;
 - e. For IMC takeoff minimums, each pilot must ensure that the weather meets approach landing minimums with the additional margin noted in Condition and Limitation No. 11(c) (Example: If the Baltimore-Washington International Airport minimums are 200/1/2, then the takeoff minimums will be at least 300 feet and 1 statute-mile visibility);
 - f. Each pilot will brief the second pilot about sterile cockpit procedures as defined under § 135.100.

12. PAART must develop and implement a preflight risk assessment tool. The tool must be completed by the PIC before each flight and must be transmitted to PAART prior to takeoff for any flight operated under this exemption. The completed tool must be retained by PAART for a minimum of 30 days. PAART must identify a maximum score flight value, or other appropriate measure, that is permissible for a flight to be initiated under this exemption. Sample risk assessment tools are available from the following sources:

- i. FAA Information for Operators (InFO) 07015:
http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/media/2007/info07015.pdf.
- ii. The Aircraft Owners and Pilot Association (AOPA) Flight Risk Evaluator:
(<http://flash.aopa.org/asf/flightrisk/>)

The FAA recognizes that any sample tool used to assess any potential safety risk during preflight planning should be modified to adequately address the risk for general aviation aircraft and PAART's specific operation. As an example, the sample Flight Risk Assessment Tool as outlined in InFo 07015 scores icing as a risk value of 5 when it is moderate to severe. However, for most general aviation aircraft, known icing conditions of any value should be considered grounds for cancellation or postponement of a flight.

13. PAART must develop and implement an initial pilot ground training program that includes the following:

- a. Principles and methods for determining weight and balance, and runway limitations for takeoff and landings;
- b. Completion of the online AOPA Foundation Air Safety Institute Course: *Public Benefit Flying: Balancing Safety and Compassion*;
- c. Completion of the online AOPA Foundation Air Safety Institute Course: *Single Pilot IFR*; and
- d. Informing the pilot of where a copy of this exemption can be located and requiring the pilot to become familiar with the conditions and limitations.

14. Recurrent training is required for all pilots operating under this exemption. The annual recurrent training program must include verification that each pilot is adequately trained, current, and proficient on all of the elements in the PAART initial pilot training program described in Condition and Limitation No. 13.

15. PAART may not exercise the privileges of this exemption unless PAART receives verification indicating acceptance of the PAART risk assessment tool (Condition and Limitation No. 12) and the initial and recurrent pilot ground training program (Condition and Limitation Nos. 13 and 14) from the FAA General Aviation and Commercial Division (AFS-800). This document may be sent to the FAA Airman Certification and Training Branch, 800 Independence Ave SW, Washington DC 20591 or via e-mail to 9-AFS-800-Correspondence@faa.gov.
16. PAART must maintain a copy of the aircraft logbook entry for the most recent annual inspection of any aircraft used to conduct flights under this exemption.
17. The privileges of this exemption may be exercised only for flights within the District of Columbia, the 48 contiguous United States, its territories, and the states of Alaska and Hawaii. This exemption is not valid for operations in airspace outside of the United States or in an intrastate operation that involves flight through international airspace.
18. The FAA may, at any time or place, conduct inspections of the pilots, aircraft, and any records required to be kept in accordance with this exemption.

This exemption terminates on November 30, 2020, unless sooner superseded or rescinded.

Sincerely,

/s/

Rick Domingo
Executive Director, Flight Standards Service

Enclosure