

CAP PAMPHLET 70-4
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Guide to FAA Exemptions

NATIONAL HEADQUARTERS CIVIL AIR PATROL
Maxwell Air Force Base, Alabama

OPR: CAP/DO

CAP AIRCRAFT OPERATIONS UNDER FAR EXEMPTIONS

The FAA has 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 exemptions in two areas:

1. FAR Part 61 – Reimbursement of Private Pilots

- The FAA Exemption to FAR Part 61.113(e), exemption number 11037, allows CAP members who are private pilots flying Air Force assigned (Categories A and B) missions to be reimbursed for certain expenses incurred while serving on official U.S. Air Force (USAF)-assigned CAP missions.
- Pilots exercising pilot in command (PIC) privileges under this exemption may operate under BasicMed (ref: [FAA Exemption 11037 BasicMed Clarification](#)).
- Reimbursement for member-furnished aircraft is included.
- Only reimbursement and per diem as 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 can receive limited payment while operating **small aircraft** under the General Operating and Flight Rules of FAR Part 91 instead of Part 135. All the additional rules of FAR Part 91.501-91.599 apply.
- The exemption allows:
 - CAP to receive payment (not more than 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 more than 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.
- 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 tables summarize 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. "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 |
|---|--|--|----------------------------------|----------------------------|--|--|
| Air Force Assigned Mission (AFAMS) | Crew members CAP Cadets, AFROTC or AFJROTC Cadets, AE Members, Armed Services personnel, 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 11037 |
| | | | Member Furnished | Private Pilot | In accordance with CAPR 173-3 | Exemption 11037 |
| | | 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 | 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 |

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|---------------------------------|--------------------------------|---|---------------------|---------------------------|--------------------------------|---------------------------------------|
| 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: The pilot may not receive reimbursement for expenses. If the pilot pays the aircraft operating cost, to include fuel/oil, they may log the flight time. If the pilot does not pay the operating cost, they may not log the flight time.