EAA Aviation Foundation’s Commercial Air Tour Program

EAA’s Authority to Conduct Commercial Air Tour Operations
• **Commercial Air Tour:** a flight conducted for compensation or hire in an airplane or helicopter where a purpose of the flight is sightseeing.
ARE WE A 14 CFR PART 135 OPERATION?

• NO!

• OUR OPERATIONS ARE GOVERNED BY
  • 14 CFR Part 91.147 Passenger Carrying Flights for Compensation/Hire
  • 14 CFR Part 136 Commercial Air Tours & National Parks Air Tour Management &
    • Subpart A Safety Standards
  • 14 CFR Part 91.319(h) Aircraft having Experimental Certificates: Operating Limitations
  • 14 CFR Part 119.1 Persons operating civil aircraft as a commercial operator
  • FAA issued
    • Waiver or Letter of Authorization dated April 17, 2012
    • Letter of Deviation dated November 03, 2009
    • Exemption Number 6541N
The Letter of Authorization (LOA) indicates what rules apply to the EAA Aviation Foundation Commercial Air Tour Program. The LOA authorizes the EAA Aviation Foundation to conduct commercial air tours under 14 CFR 91.147.

- 14 CFR 91.147 requires EAA to comply with:
  - 14 CFR 119.1(e)(2)
  - Provisions of a LOA
  - 14 CFR 136 subpart A
  - And register & implement a drug/alcohol testing program

- 14 CFR 119.1(e)(2) requires compliance with the LOA issued under 14 CFR 91.147

- 14 CFR 136 applies to Part 91 operators conducting flights under 14 CFR 119.1(e)(2)
Letter of Authorization (LOA)

Requires & authorizes the conduct of commercial air tour operations under CFR 91.147 and specifically relieves the operator (EAA) from important restrictions such as:

- Operations from only one airport per 91.147(a)
- Prohibited use of Experimental/Limited category certificated aircraft for pilot training per 91.319(h)
- Certification under 14 CFR 135 & 121 rules per 119.1
The LOA specifically authorizes

- “A change in the aircraft base of operations location constitutes an *administrative* change only…”, which means
- Specific EAA Aviation Foundation aircraft may operate commercial air tour non-stop flights from any suitable airports within the United States rather than only a single airport
The LOA Authorizes Only the Following Aircraft for Commercial Air Tour Operations

(Ops Spec Aircraft)

- Bell47-G2, N2490B
- Ford Trimotor 4AT-E, NC8407
- Curtis Travelair E4000, NC648H
- Pitcairn Mailwing PA7-M, NC95W
- Swallow Swallow (gulp), NC4028
- T-6-G, N157DC
- WACO-U-EC, NC12472
Whaddabout the B-17 and Spirit of St. Louis?!!!
Exemption No. 6541N

- Not based on specific regulations, but are the FAA’s means of ensuring an equivalent level of safety is met.

- Determining the equivalent level of safety may necessitate limitations that go beyond the established regulations because the proposed operation is, by its need for an exemption, outside the normal regulatory structure.
Exemption 6541N
Specific to Only the B17 and Spirit of St. Louis

- FAA Exemption 6541N specifically exempts
  - EAA from the requirements of 91.315, 91.319(a)(2), 119.5g & 119.21(a), which prohibit the use of Experimental/Limited category certificated aircraft for compensation or hire

- Which means...

- The Spirit of St. Louis, NYP, and the B-17, N5017N, may carry passengers for compensation or hire on local flights for educational and historical purposes

- Hurrah!
Exemption 6541N

- Has specific conditions & limitations regarding the
  - Maintenance inspection program
  - Pilot Qualification
  - Pilot Training
  - Operation of Flights
  - Requirement to brief passengers on significance of the aircraft’s limited airworthiness certificate compared to a standard airworthiness certificate
14CFR91.319(h) Prohibits Training in Experimental Category Aircraft
So How To Train???

N31PT
PT-1/PT-3
Letter of Deviation Authority (LODA)  
Applies only to N31PT  
and

- Provides an exemption from 14CFR91.319(h) so that N31PT may be used for flight training, i.e., Fantasy Flight Camp
- N31PT to be used only for introduction to flight training
- No demo flights
- Copy of LODA must be carried on board aircraft during flight training conducted under the LODA
EAA Aviation Foundation Commercial Air Tour Program
First some definitions: per 14 CFR 136 Subpart A

- **Operator**: any person conducting nonstop passenger-carrying flights in an airplane or helicopter for compensation or hire ... that begin & end at the same airport & and are conducted within a 25-statute mile radius of that airport

- **Commercial Air Tour**: flight conducted for compensation or hire for the purpose of sightseeing

- **Shoreline**: land adjacent to the water that is above the high water mark & excludes land areas unsuitable for landing such as:
  - Vertical cliffs
  - Land intermittently under water during the particular flight
14 CFR 136 Subpart A
Air Tour Safety Standards
PIC Prefight Requirements

• **Before Take Off**
  • Each PIC shall ensure each passenger has received a briefing on
    • Procedure for fastening & unfastening seatbelts
    • Prohibition on smoking
    • Procedures for opening exits & exiting aircraft

If a volunteer has received the EAA Volunteer “Safe Operations Training for Volunteer Ground Support” training and is formally assigned to conduct pre-flight pax briefings, the captain will know that this requirement has been met.
Flight segments over water beyond the shoreline ensure that:

- Each passenger has received a briefing for
  - Procedures for a water ditching
  - Use of required life preservers
  - Procedures for emergency exit in event of water landing
  - A life preserver is readily available and easily accessible to each occupant (ref. 14 CFR 136.9)

Note: If flights are expected to be conducted beyond a shore line, the PIC must tell the designated volunteer passenger briefer to include a demonstration on how to don a life preserver during the pax pre-flight briefing. (Routine briefings already include mention of where the life preservers are located in the cabin).
Commercial air tour operators need specific authorization from the Administrator and in cooperation with the Director National Park Service, and an Air Tour Management Plan, to operate over national parks (136.37, 136.39) below 5,000 feet AGL.

The EAA Aviation Foundation LOA specifically requires an additional LOA/OpSpec B057, to be issued for the conduct of over flights of National Parks and/or abutting Tribal Lands for its commercial air tour operations.

The EAA Aviation Foundation does NOT currently have authorization to operate its commercial air tour aircraft over national parks.
IN A NUTSHELL, THE RULES ARE...

- Nonstop Passenger Flights must begin & end at the same airport
- Flights must be conducted within a 25-statute mile radius of that airport
- PIC must ensure all passengers receive a safety preflight briefing
- Operator must register & implement its drug & alcohol testing programs in accordance with 14 CFR 91.120 & CFR Part 40
AND…

- EAA’s Tour aircraft with paying passengers $$$ on board must maintain an altitude at or above 5,000 feet AGL when transiting over national parks and Tribal lands including within ½ sm outside the boundary of any unit of the national park system. (This is a part 136 operation)

- EAA’s Tour aircraft en route to tour stop with NO customers on board, should maintain an altitude at or above 2,000 feet AGL (This is a part 91 operation)
Reminder: Watch Out For…

- Prohibited airspace noted on sectional charts such as
  - Disney World Theme Park

- SFAR airspace; Hudson River flyways, etc.

- Altitude and lateral restrictions for
  - National parks, monuments, seashores, lakeshores, recreation areas & scenic riverways administered by the National Park Service, National Wildlife Refuges, Big Game Refuges, Game refuges & Wildlife Ranges administered by the U.S. Fish & Wildlife Service, and Wilderness & Primitive areas administered by the U.S. Forest Service, and Noise Sensitive Areas
Avoid Inadvertent Incursions!
READ the notes on the Sectional Chart’s perimeter!
ALL Commercial Air Tour Operations In The Airspace Over The Rocky Mountain National Park are Prohibited Regardless of Altitude

14CFR 136.35
What Do I Need to Know for an FAA Ramp Check?

- LOA is issued by: FAA Milwaukee, WI, FSDO
- LOA is issued to: EAA Aviation Foundation
  - Part 91 ID Number: 03TJGL13
  - POC Sean Elliott, Director of Aircraft Operations
- Principle Base of Operation: Oshkosh, WI
- LOA, Letter of Deviation Authority copies located in Oshkosh, WI
- Antidrug & Alcohol Misuse Prevention Program records are located at: EAA Aviation Foundation, 1145 W. 20th Ave., Oshkosh, WI 54902; Tel 920-426-4886
14 CFR 91.146, Passenger-Carrying Flights for the Benefit of a Charitable, Nonprofit, or Community Event

- 91.146 Does NOT Apply to EAA’s Commercial Air Tour Flight Program
Antidrug & Alcohol Misuse Prevention Program
The Letter of Authorization (LOA)

- Requires Operator to implement its Antidrug & Alcohol Misuse Prevention Program in accordance with 14CFR Part 120 and 49CFR Part 40
QUESTIONS?