



April 17, 2012

TO: US Department of Transportation  
The Docket Management System, Room PL 401  
400 7<sup>th</sup> Street, SW  
Washington, DC 20591-0001

PETITION FOR EXEMPTION FROM THE FEDERAL AVIATION REGULATIONS §91.319(a)(2); §61.101(a)(2); §61.101(e)(3) and (4); §61.113(a); §61.113(b); §61.113(c); §61.315(b); §61.315(c)(1) and (2); §120.105(a) and (g); and §120.215(1) and (7) TO PERMIT VOLUNTEER PILOTS FLYING YOUTHS AND ADULTS FOR FREE AT EAA (EXPERIMENTAL AIRCRAFT ASSOCIATION, INC.) EAGLE FLIGHTS AND YOUNG EAGLES EVENTS TO BE REIMBURSED, IN THE FORM OF FREE AVIATION FUEL, FOR THEIR ACTUAL FUEL EXPENSE INCURRED WHEN PROVIDING FREE FLIGHT EXPERIENCES TO EVENT PARTICIPANTS WHEN VOLUNTEERING AT THESE EVENTS FOR EAA, A NONPROFIT ORGANIZATION, IN ACCORDANCE SECTION 6, PARAGRAPH (6)(A) OF THE VOLUNTEER PROTECTION ACT OF 1997 (PUBLIC LAW 105-19).

PETITIONER: EXPERIMENTAL AIRCRAFT ASSOCIATION, INC.  
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## **PETITION SUMMARY**

This petition for exemption is being submitted to ease the burden on EAA members who volunteer their aircraft and personal time to conduct Eagle Flights and Young Eagle free introductory/orientation flights. Since 1990 the price of 100LL aviation gasoline has skyrocketed 250%<sup>1</sup> and the cost of an annual condition inspection has skyrocketed 200%<sup>2</sup>. The burdens of these huge increases in the basic aircraft operating costs have been placed squarely on the shoulders (and wallet) of the EAA volunteer pilots who provide the free flights. The impact of this volunteer cost burden has had a direct and negative impact on the Young Eagle program – in 2000 when avgas was \$2.58 per gallon volunteer pilots flew 99,501 youths; but in 2012 when avgas was \$6.25 per gallon these same volunteer pilots only flew 74,790 youths; a 25% reduction<sup>3</sup> in the number of youths exposed to the rich heritage of aviation.

Therefore, in accordance with Section, 6, paragraph (6)(A) of the Volunteer Protection Act of 1997 (Public Law 105-19), EAA is seeking an exemption from Federal Aviation Regulations (FAR), Parts §91.319(a)(2); §61.101(a)(2); §61.101(e)(3) and (4); §61.113(a) and (b); §61.113(c); §61.315(b); §61.315(c)(1) and (2); §120.105(a) and (g); and §120.215(1) and (7) to permit volunteer pilots holding sport, recreation, or private pilot certificates flying youths and adults in their light-sport, experimental, and standard category aircraft for free at EAA (Experimental Aircraft Association, Inc.) Young Eagles and EAA Eagle Flights events to be reimbursed, in the form of free aviation fuel, for their actual fuel expense incurred when providing free flight experiences to event participants when volunteering at these events for EAA, a nonprofit organization. The free fuel would be provided by individual donors, EAA

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<sup>1</sup> Refer to table in Reason for Petition section of this document

<sup>2</sup> Refer to table in Reason for Petition section of this document

<sup>3</sup> Refer to table in Reason for Petition section of this document

chapters, EAA, airport sponsors through use of Federal Airport Improvement Program (AIP) marketing funds, local and state government agencies, and corporate supporters.

Further, EAA is requesting the FAA allow EAA to utilize the conditions and limitation of the existing EAA Young Eagles program as noted in the Safety Issues section of this petition for exemption as the conditions and limitations for this exemption. But, also allow EAA to change those conditions and limitations based on observed safety needs in order to keep the EAA Eagle Flight and EAA Young Eagles safety program a living program that can react to any critical issue that should arise.

This reimbursement of actual expenses is not commercial activity compensation.

Specifically, EAA is requesting an exemption from the above regulations for these reasons:

1. The receipt of free fuel would exceed the pro rata share of operating expenses for Sport, Recreation, and Private pilots limitation in §61.101(a)(2); §61.113(c); and §61.315(b). This exemption seeks relief from the limits of the pro rata rule for Sport, Recreational, and Private pilots who receive this fuel while volunteering their aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights. The pro rata sharing of expenses is normally born by passengers on a given flight, while in this case of volunteer pilots flying free Young Eagles and Eagle Flights orientation flights all flight expenses are borne solely by the volunteer pilot, the youth and adult participants are not charged anything in exchange for these flights which simply an introduction into the wonderful world and possibilities of aviation. The free fuel relief provided in this petition for exemption would be provided by someone or an entity other than the passenger.
2. The receipt of free fuel would be considered compensation per the September 19, 2000 letter to EAA from Mr. Mike Henry, Manager, FAA General Aviation and Commercial

Division, AFS-800. The letter stated "...the FAA's Office of Chief Counsel has consistently held that it is not the source of compensation, but its receipt, that is prohibited under Federal Regulations believed applicable in this matter. This legal opinion affects flight time gained in conducting such operations by sport, recreation, and private pilot certificate holders as being a form of compensation, even though the amount of time may be insignificant..." This exemption seeks relief from the Sport, Recreation, and Private pilot compensation limitations as specified in §61.101(e)(3) and (4); §61.113(a) and (b); and §61.315(c)(1) and (2) to allow volunteer pilots volunteering their aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights, who receive the free fuel, to be able to fly their aircraft and log the insignificant amount of flight time this activity will generate while conducting free EAA Eagle Flights and Young Eagles flights without said flights being considered compensation, either commercial or for hire, flights.

3. As noted in item 2, above, the logging of flight time is considered compensation, therefore this exemption seeks relief from the experimental aircraft compensation limitation as specified in §91.319(a)(2) to allow volunteer pilots volunteering their experimental aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights, who receive the free fuel, to be able to log the insignificant amount of flight time this activity will generate while conducting free EAA Eagle Flights and Young Eagles flights.
4. Other than the receipt of free aviation fuel and the resulting logging of insignificant amounts of flight time while conducting free EAA Eagle Flights and Young Eagles flights, these free youth and adult flights are not being conducted for commercial

compensation or hire; they are not raising funds for a non-profit, charitable, or community organization or event; they are not sightseeing flights; and they are not §119, 121, or 135 commercial operations. But, because of the above noted 2000 FAA policy that stated the logging of insignificant amounts of flight time is considered to be a commercial compensation activity and safety-sensitive positions (volunteer pilots and volunteer ground support screeners/ground guides) are being used, this exemption is seeking an exemption from the FAA drug and alcohol testing requirements in §120.105(a) and (g) and §120.215(1) and (7) for pilots flying free EAA Eagle Flights and Young Eagles flights.

EAA contends that this petition for exemption fully complies with Section 6, paragraph (6)(a) of the Volunteer Act of 1997, Public Law 105-19, in that EAA Eagle Flights and Young Eagle pilot who are volunteering their time and aviation expertise to a nonprofit organization, EAA, by providing free flights are federally authorized to be reasonably reimbursed for expenses actually incurred.

With this petition for exemption, EAA is asking the FAA to recognize the facts provided in this petition and provide for relief, in the form of free fuel, to the volunteer Sport, Recreational and Private certificated pilots who donate flight time in their light-sport, experimental, and type-certificated (standard category) aircraft.

This petition is also asking the FAA recognize the importance of the EAA Eagle Flights and Young Eagles free youth and adult flight events toward the current and future growth of the U.S. pilot population.

## REASON FOR PETITION

Aviation is at one of the most critical points in its 108-year history – the pilot shortage is quickly reaching a point where, unless positive action is taken, it will not be able to sustain the continued viability of transporting persons or cargo to the high level to which the American public has become accustomed. The critical nature of the looming pilot shortage is shown in the following table:

Key Pilot Population Numbers <sup>4</sup>			
	1990	2001	2010
Student	128,663	86,731	119,119*, **
Private, airplane (SEL)	299,111	243,823	202,020
Total Pilots	692,095	627,588	612,274
Average age	42.8	46.0	48.5
<p>*In July 2010, the FAA issued a rule that increased the duration of validity for student pilot certificates for pilots under the age of 40 from 36 to 60 months. This resulted in an increase in active student pilots to 119,119 from 72,280 at the end of 2009. The 2010 student pilot number of 119,119 is an artificially inflated number directly related to the regulatory change; over the past 10 years the number of active student pilots has averaged 84,000 per year.</p> <p>**The Flight Training Experience, an AOPA survey of students, pilots, and instructors, October 2010, page 2, shows that the overall dropout rate for student pilots is between 70% - 80%. Using the 2010 student pilot number of 119,119 would indicate 23,824 individuals advanced and received a pilot certificate. However, using the data from the FAA's original airmen certificates issued statistics web page the actual number of original certificates issued was 15,532 (combined Private, Recreation, and Sport). Which means the actual student pilot dropout rate is much worse - 82%.</p>			

The loss of 97,091 private SEL pilots between 1990 and 2010 shows the critical nature of what the Department of Transportation and the general aviation community is facing.

But that's not the entire story about the critical nature of the looming pilot shortage. Boeing recently completed a study<sup>5</sup> to determine the number of commercial pilots needed in the U.S.

<sup>4</sup> FAA US Civil Airmen Statistics ([www.faa.gov](http://www.faa.gov))

and globally. The study indicates the commercial airline fleet will double by 2030 and the corresponding need for commercial pilots in 2030 will be 470,400. Using the above chart data indicates there were a total of 612,274 pilots in 2010, subtracting just the private pilots leave a total of 410,254 total pilots in all categories; commercial, rotorcraft, sport and recreation, glider, and lighter-than-air. Further compounding the looming critical pilot shortage is noted by the very high loss rate of private pilots between 2001 – 2010 = 41,803. This is the very pilot pool where future commercial pilots are from.

As this trend continues to worsen we, the total aviation community including the FAA, will not be able to meet the future general and commercial transportation and commerce demands<sup>6</sup> our national economy will be placing on it. There are several factors that have led to the critical nature of the active pilot numbers:

- The advancing age of the Korean War and Vietnam War military pilots, and the aging baby boomer generation has caused tens of thousands of pilots to stop flying. These pilots are retiring from commercial aviation activities on a daily basis, as noted by the continuing downward trend of active pilots.
- The FAA has stopped promoting civilian aviation careers, especially pilot growth. In the following FAA long-term planning and guidance documents, the FAA lists several key performance targets, strategies, and initiatives to meet the mission statement to *provide the safest, most efficient aviation system in the world*. While this mission statement is critical to improving aircraft performance, airport operations, and internal personnel training objectives, there is no mention in any of these documents regarding key performance targets, strategies, and initiatives to

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<sup>5</sup> [http://www.boeing.com/commercial/cmo/pilot\\_technician\\_outlook.html](http://www.boeing.com/commercial/cmo/pilot_technician_outlook.html)

<sup>6</sup> FAA Flight Plan ([www.faa.gov](http://www.faa.gov))

maintain and increase the commercial and/or general aviation pilot population in the U.S. The pilot population and its necessary growth is the true linchpin that has to be the catalyst for all the other long-term goals established by the FAA. Without a pilot population to match the aggressive forecasted growth data in these FAA documents, these plans are doomed to failure.

- FAA Destination 2025<sup>7</sup> - Confirms the FAA mission is to *provide the safest, most efficient aviation system in the world*. It sets the FAA's long-term aspirations of: Move to the next level of safety; Create our workplace of the future; Deliver aviation access through innovation; Sustain our future; and Advance global collaboration. This document does not address steps needed to either sustain or increase the pilot population.
- FAA Aerospace Forecast Fiscal Years 2011-2031<sup>8</sup> - In this document the FAA projects the number of:
  - Commercial aircraft will grow from 7,096 to 10,523 aircraft in 2031;
  - General aviation aircraft will grow from 224,172 to 270,920 aircraft in 2031;
  - Commercial pilots will increase from 123,705 to 136,300 in 2031;
  - Private pilots will increase from 202,020 to 214,500 in 2031; and
  - Student pilots will increase from 119,119 to 120,600 in 2031.
- FAA Flight Plan, 2009-2013<sup>9</sup> - Defines the agencies strategy to navigate through this time period, yet does not address strategy needed to either sustain or increase the pilot population.

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<sup>7</sup> FAA Flight Plan ([www.faa.gov](http://www.faa.gov))

<sup>8</sup> FAA Aerospace Forecast ([www.faa.gov](http://www.faa.gov))

Because of the FAA’s lack of national strategic or tactical guidance or policy on growing the pilot population, the full burden of this task has been placed on private industry. Since the inception of the EAA Young Eagles program in 1992, EAA has become the national leader in reaching the youth of America and building their desire to become pilots. Yet, the continued ability for volunteer EAA members to provide free Eagle Flights and Young Eagles orientation flights is in jeopardy today due to the absolute increase in the following aircraft operating costs:

- The basic cost for a pilot to participate in flying. With every dollar increase in the base cost of flying expenses, the cumulative result is that fewer pilots are flying.
  - Cost of aviation fuel<sup>10</sup>. Over the past twenty years the price of aviation fuel has more than doubled.

Historical Prices of 100LL Aviation Gasoline				
	1990	2000	2010	December 2011
Price per gallon	\$2.50	\$2.58	\$6.25	\$5.59

- Cost of aviation maintenance<sup>11</sup>. Over the past twenty years the cost of conducting a required annual condition inspection on a typical general aviation aircraft has doubled.

Historical Prices of Annual Condition Inspections*				
	1990	2000	2010	December 2011
C172	\$500.00	\$700.00	\$800.00	\$1,000.00+
*The key cost factor driving this increase in cost is labor. In 1990 the average per hour labor cost was \$35.00; in 2011 it is between \$70.00 (rural/small airports) and \$110.00 (large airports & repair stations).				

<sup>9</sup> FAA 2009-2013 Flight Plan (www.faa.gov)

<sup>10</sup> Basler Flight Services (FBO), Wittman Regional airport (KOSH), historical fuel price data

<sup>11</sup> NewView Technologies, Wittman Regional airport (KOSH) and Beaver Aviation, Dodge County airport (KUNU), historical maintenance cost data.

EAA strongly believes that it is inherently wrong and self defeating for the Young Eagles or Eagle Flights programs to charge the youths and adults receiving the free flight experiences one-half of the “trip expenses” under the authorized pro-rata compensation rules. The goal of the program is to introduce as many individuals to the wonders of aviation, not frighten them off with artificially established initial or add-on fees.

Instead, the success of these programs is the fact that EAA members freely volunteer their time and aircraft (including all operating expenses), exchanging only their aviation knowledge, experience and desire to the youths and adults participating in these free introductory flight programs, where each free flight experience typically lasts approximately 15 – 30 minutes. For these same reasons EAA does not charge the parents of youths receiving free flights for any reimbursement for event costs, doing so would have a large adverse affect on the number of youths that could be flown.

The major goal of the EAA Eagle Flights and Young Eagles free flight programs is to extend the joys of flying to this and our next generation. In the truest sense of the definition, these events are not flown for commercial compensation – they are free flight experiences where participants or their parents are not charged anything for the experience. When approved, this exemption will allow the base of EAA Eagle Flights and Young Eagles free flight experience supporters to be expanded which, in turn will allow more youths and adults to be exposed to the world of aviation.

**With every dollar increase in direct operating expenses, the number of pilots who are able to financially support their local volunteer Young Eagles and Eagles Flight programs**

**participation drops dramatically, which directly relates to the number of youths and adults that can be flown.**

Historical Prices of 100LL Aviation Gasoline				
	1990	2000	2010	December 2011
Price per gallon	\$2.50	\$2.58	\$6.25	\$5.59
C172 annual inspection	\$500.00	\$700.00	\$800.00	\$1,000.00+
Number of Young Eagles flown	38,320*	99,501	74,790	76,000
*EAA Young Eagles program's first full year was in 1993. The 38,320 number reflects the number of kids flown in 1993.				

With this petition for exemption EAA is asking the FAA to recognize this fact and provide for relief to the volunteer Sport, Recreational and Private pilots who donate flight time in their light-sport, experimental, and type-certificated aircraft. Without that relief, the FAA itself is jeopardizing the continued success of the EAA Eagle Flights and Young Eagles free flight experiences and the future growth of the U.S. pilot population.

In 2002 EAA requested a similar exemption from the FAA, which was granted on July 2, 2002 as exemption No. 7830, DOT docket No. FAA-2002-11986. EAA did not use this petition because it would have destroyed the root benefits of the EAA Young Eagles flight program.

- In exemption No. 7830 the FAA imposed commercial §91.146 charitable/community/non-profit fund raising event conditions and limitations to the Young Eagles free flight operations. As stated earlier, FAA documents clearly stated that EAA Young Eagles youth and EAA Eagle Flight adult free flight programs are just that – free events to all members of the public. The

public is not asked for any donations to participate in the free flights, or to support either program. Therefore, imposing the §91.146 charitable/community/non-profit fund raising event conditions and limitations to the Young Eagles free flight operations created an unworkable burden on the program.

- In order to receive free fuel in exemption No. 7830 the FAA limited volunteer pilots to hold a minimum of a private pilot certificate, have a minimum of 500 hours of total flight time, have a minimum of 200 hours in the category of aircraft to be flown, and 50 hours in the class of aircraft to be flown. These conditions/limitations would have cut the number of general aviation pilots who met these requirements these limitations available for Young Eagles flights in half. EAA's established Eagle Flight and Young Eagles programs flight operating safety procedures have allowed all levels of FAA-certificated pilots to conduct the free flight programs to the highest safety level possible. EAA's established Young Eagles ground and flight safety procedures and limitations have produced an exceptional flight safety record. EAA strongly believes that Sport Pilots (§61.315(c)(4)), Recreational Pilots (§61.101(a)(1)), and Private Pilots (§61, subpart E) have proven the equivalent level of safety standard has been met many times over and therefore these pilots should be able to conduct the Eagle Flight and Young Eagles free flights while operating under the full passenger carrying authority granted by their FAA-issued pilot certificate. The

FAA imposed pilot certificate and operating hour requirements in exemption No. 7830 created an extreme hardship on this program; did not improve flight safety; and did not improve the safety of the public (the youth and adult participants) to a higher standard than the existing EAA program safety requirements.

- In this earlier exemption the FAA limited the use of the exemption to only aircraft with a standard category airworthiness certificate – as noted in the following table, using this condition/limitation would have cut the number of usable aircraft available in half, a devastating impact on the program.

It is critical that this exemption allow for the continued use of experimental and light-sport aircraft to be flown under the terms of the exemption. Experimental and light-sport aircraft are major participants in these free flight programs. Not allowing them to be used under this exemption will cause the continued reduction of pilots offering free flights which directly results in a large decrease in the number of participants being able to take advantage of the free flight opportunity. The following chart shows how critical these aircraft are to the Eagle Flights and Young Eagles programs.

EAA Young Eagles Flown in Types of Aircraft			
	Type-certificated make and models of aircraft	Experimental and Light-Sport Aircraft make and models of aircraft	Total (1/3/2012)*
Number of make and models of aircraft	452	328	780
Number of Young Eagles flown	900,240	777,360	1, 677,600
*www.youneagles.org			

In a July 28, 1999 letter to EAA from FAA Headquarters, AFS-1 determined that EAA Young Eagles flights were not sightseeing flights per FAR 135.1(c), and therefore the commercial compensation, certification, operating and drug testing requirements of FAR 61, 119, 121, and 135 were not applicable to the EAA's Young Eagles free flight experience program. This decision was based on the long established history of the free EAA Young Eagles flight experience program in which no fee has ever been charged or asked from the youth participants receiving the free flight experience.

This petition only seeks the authorization to allow the Eagle Flights and Young Eagles volunteer pilots to receive free aviation fuel while donating their time and flying their aircraft for these free flight experiences in an exemption to the compensation and drug testing requirements stated in the Petition Summary section of this petition without the added severe operating limitations imposed by FAA Exemption 7830. This petition for exemption is applicable to Sport, Recreation, and Private pilot certificate holders; and the experimental, light-sport and type-certificated aircraft they fly.

In order to receive the free aviation fuel EAA will not ask the volunteer pilots to “top off” their fuel tanks after initial arrival at the airport where the events are incurring. Instead, we will depend on the integrity of the volunteer pilots to only request the amount of aviation fuel actually consumed.

- Flight safety is based on many factors, paramount of these is aircraft performance limitations in regards to the airport used (length of runway, etc.), density altitude effects on aircraft performance, and weight and balance. To require volunteer pilots to “top off” their aircraft would be, in effect, breaking long-established FAA and industry safety chains developed from lessons learned from past general aviation accident studies.
- Pilot integrity is one of the key long-established FAA and industry safety chain links. Congress has charged the FAA with *providing the safest, most efficient aviation system in the world*, which they have very successfully met by establishing living, ever-evolving pilot, aircraft, and airport regulations, policies and guidance. But these FAA safety regulations, policies, and guidance are only effective based on the absolute integrity or trust the FAA has placed on all U.S. certificated pilots, mechanics, and airport operators to hold up their end of the safety chain. The end result is that the U.S. does in fact have *the safest, most efficient aviation system in the world* and it has met that standard in large part directly due to the integrity of the American public who operate within the aviation system. It is that long-established integrity that EAA will depend on to ensure that requested free fuel is in fact fuel that was actually consumed during the EAA Eagle Flights and Young Eagles free flight events.

## **BACKGROUND**

### **EAA Young Eagles**

Launched in 1992, the EAA Young Eagles program (<http://www.young eagles.org/>) is a youth-oriented, worldwide aviation outreach program of EAA, a 501(c)(3) tax-exempt organization. The original EAA Young Eagles program goal was to provide 1 million youths, between the ages of 8 and 17, the experience of flight by December 17, 2003, the centennial of flight. That original goal was met and surpassed, as to date; more than 1,680,000 participants have experienced the joy of their first flight through this program, in type-certificated, light-sport, or experimental aircraft.

EAA Young Eagles flights are conducted without charge to the participants and flown by licensed and experienced volunteer pilots whose lives have been enhanced by aviation and have the desire to pass on their love of aviation, through a free flight experience to others. EAA Young Eagles flights may be conducted at an air show or other community aviation event for which an admission charge is made, however, even in those circumstances no fee is charged to the participants of the program. While every youth who participates in the EAA Young Eagles program or adult participant in the Eagle Flights program is not expected to become a pilot, the experience of flight is guaranteed to give each participant a new perspective on becoming a general aviation or commercial pilot and explore the potential careers in many other aspects of the aviation community.

EAA encourages the FAA to examine real-world examples of the success of the Young Eagles programs by reviewing the following program yearbooks:

2010 – <http://www.young eagles.org/volunteers/resources/content/Young%20Eagles%20Yearbook%202010.pdf>

2009 – <http://www.young eagles.org/volunteers/resources/content/Young%20Eagles%20Yearbook%202009.pdf>

2008 – <http://www.young eagles.org/volunteers/resources/content/Young%20Eagles%20Yearbook%202008.pdf>

### **EAA Eagle Flights**

The EAA Eagle Flights program is an adult-oriented, worldwide aviation outreach program of EAA, a 501(c)(3) tax-exempt organization. Currently under final development with a launch scheduled for summer 2012, it leverages the highly successful and safe model used in the EAA Young Eagles program. EAA is taking on the challenge of growing participation in aviation with our stated goal of creating the next generation of aviators. By providing those interested in aviation with a free orientation flight with an enthusiastic volunteer EAA pilot within the EAA community environment, we will be providing the best opportunity for that person to become interested and more importantly, active in aviation.

EAA Eagle Flights will be available to interested participants over the age of 18 and will be conducted without charge to the participants and flown by a licensed volunteer pilot. Our volunteers have the desire to pass on their love of aviation, through a free flight experience to others. The EAA Eagle Flights program will hopefully spark the idea of becoming a pilot in many or, at the least, make a friend of aviation.

### **Combined Effect**

As noted earlier, the EAA Young Eagles free flight program is the most successful introductory aviation program in the nation, with over 1,680,000 youth participants flown to date.

In a joint EAA/FAA Airmen Branch survey, nearly 20,000 Young Eagles participants were identified as using their initial free flight experience as their personal catalyst to become a certificated pilot. Of this group 11,966 of them were listed on the FAA airmen registry as “active pilots,” holding both an airmen certificate and an FAA medical certificate. The joint

survey shows that EAA Young Eagles free flight participants who are now between 15 and 34 years old are 5.4 times more likely to earn a pilot certificate than those of the same age who have not had a Young Eagles flight.

EAA is acutely aware that an individual's normal life-cycle, e.g., college, marriage, children followed by their college expenses, often interrupt their ability to financially pursue their desire to become a pilot. EAA's goal with the Eagle Flights program is to capture these individuals near the beginning of their empty-nesting phase of life by offering free introductory flights to them. EAA anticipates that the Eagle Flights program will generate a significantly greater number of pilots than our successful Young Eagles program.

### **General**

The future sustained growth and success of both the Eagle Flights and Young Eagles free flight programs is dependent on the FAA granting this exemption by allowing volunteer Sport, Recreation, and Private pilots flying their type-certificated, experimental, and light-sport aircraft to receive free fuel. All other operating expenses will be borne by the EAA volunteer pilot.

Because of the success of the program and its profound effect on airport community relations and generating new pilots, many fixed base operators (FBOs), airport authorities, local community (government) leaders, charitable organizations and corporations have offered to provide free aviation fuel to the EAA Eagle Flights and Young Eagles events in order to help offset the actual direct aircraft operating expenses incurred by the volunteers during the event. These offers have all been turned down due to regulatory restrictions. This petition for exemption seeks relief from those restrictions.

This petition for exemption is critical to the continued success of the EAA Young Eagles and the Eagle Flights free introductory flight program, and are not intended to provide what is

traditionally considered as compensation or a donation to a non-profit organization under the FARs, but instead are intended solely to extend the Eagle Flights and Young Eagles free flight experience program to a greater number of youth and adult participants.

### **INTEREST OF THE PETITIONER**

EAA is the world leader in recreational aviation. With an international membership of over 176,000 individuals, EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to the continued growth of aviation, the preservation of its history and a commitment to aviation's future. EAA programs, activities and events are known throughout the world for supporting aviation safety and promoting personal enjoyment and responsibility within an aviation lifestyle. These efforts are made possible through massive volunteer involvement in support of the organization, as well as EAA's global network of nearly 1,000 local Chapters and EAA's specialized Vintage Aircraft, Warbirds of America, and International Aerobatic Club divisions.

EAA, as a 501(c)(3) non-profit membership association, provides aeronautical education and experiences to both members of the organization, and to the public. The free EAA Eagle Flights and Young Eagles flight experience programs, held at various community aviation events around the country, furthers the goal of providing flight experiences and aviation education youth and adult participants. Many of the Eagle Flights and Young Eagles program events are coordinated through and provided by not-for-profit EAA Chapters.

EAA, and we hope the FAA, recognize that the future of aviation and its related industries depends on introducing the youths and adults of America to the world of aviation through the joys of flight.

### **SAFETY ISSUES**

The safety of all participants in the EAA Eagle Flights and Young Eagles free flight experience programs is a fundamental concern of the EAA. Over the years, the EAA Young Eagles flight experience program has produced an outstanding flight safety record. The EAA Young Eagles flight safety program record is indicative of the overall safety culture inherent within the entire EAA organization.

EAA recognizes the relationship between compliance with regulations, and the ability to function safely within the existing regulatory framework. The EAA Young Eagles flight established safety program will retain its high standards with this exemption. The Eagle Flights program will operate under the same safety program requirements.

The EAA Eagle Flights and Young Eagles safety program requirements<sup>12</sup> include the requirements that:

- All pilots and aircraft to be current per FAR 21, 43, 61, and 91, as appropriate;
- All volunteers (pilots and ground marshalling personnel) and airport personnel receive a flight and ground safety briefing prior to the start of the event;
- Youth participants and their parents, and adult participants are not allowed near the airplanes without a safety escort;

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<sup>12</sup> [www.youngeagles.org](http://www.youngeagles.org)

- Youth participants and their parents, and adult participants are given a ground and flight safety briefing prior to going to their assigned aircraft;
- The loading or unloading of youths and adults while the aircraft engine is running is not allowed;
- All flights are flown only during day VFR conditions (minimum 1,000 foot ceilings and 3 miles visibility);
- Aerobatic, formation, or unusual attitude flying is not allowed;
- Aircraft passenger liability insurance is required for the type-certificated, light-sport, or experimental aircraft used (owned, borrowed, or rented);
- A detailed debrief is conducted to ensure all safety procedures were followed to establish better safety procedures for the next event; and,
- Volunteer Young Eagles and Eagle Flight pilots are not limited to the number of free EAA Young Eagles and Eagle Flight events they participate in on a yearly basis, nor are they limited in the number of participants (youths or adults) they may fly at each event.
- An Eagle Flights and Young Eagles “event” is defined as any flight conducted by an EAA member, either in a group setting or singularly, as long as the EAA Eagle Flight and Young Eagles safety, operating and reporting requirements are complied with.

EAA strongly advocates that the more experience a pilot has in the EAA Young Eagles or Eagle Flights flight experience program, the safer the entire EAA Eagle Flights and Young Eagles program will be for all participants.

**Safety is EAAs Paramount Mission** – For most youths, their parents, and adult participants the Eagle Flights and Young Eagles programs may be the first time they have been exposed to a general aviation airplane and pilot, and it may be the first time they have ever been to an airport. Because of that, volunteer Eagle Flights and Young Eagles ground safety support personnel and pilots take the time to act as ambassadors for general aviation and EAA. As ambassadors, they take the time to explain what takes place at an airport, the importance of the airport to the community, and the reasons why following the rules is the most important safety component in all aviation careers. As the participants are escorted to the aircraft, the volunteers stress ramp safety, emphasizing caution around propellers and moving aircraft.

**Safety is EAAs Paramount Mission !**

Since the EAA Young Eagles free flight program was launched in 1992 we have flown over 1, 680,000 youth. Our overall flight safety record has been absolutely superlative. With each child receiving a +/- 20 minute flight that equates to over 33,600,000 minutes or 560,000 flight hours flown. During that entire time we experienced only three major aviation accidents:

1. NTSB ID: FTW98FA394, 9/12/1998, Grumman American, flown by a pilot with a commercial certificate with 1,135 hours total flight time, fatal to pilot and passenger;
2. NTSB ID: SEA06FA007, 10/15/2005, PA-28-140, flown by a pilot with a private pilot certificate with 315 hours total flight time, fatal to pilot and passengers (2);
3. NTSB ID: WPR09LA169, 3/28/2009, PA-28-235, flown by a pilot with a private pilot certificate with 847 hours total flight time, non-fatal accident.

The point is that the EAA established pilot, aircraft, weather, flight maneuver, and support personnel conditions and limitations for Young Eagle flight operations have created an operational safety program successes that have far exceeded the FAA's most stringent equivalent

level of safety requirements. The conditions and limitations imposed by FAA exemption 7830 could not hope to equal or exceed these safety levels; however those conditions and limitations would severely harm the effectiveness of the Eagle Flight and Young Eagles to reach out to the next generation of America's pilots.

The EAA Young Eagles program was launched in 1992 or 20 years ago. There are three ways to look at EAAs overall flight safety record:

1. As noted above, the program has flown approximately 560,000 flight hours. This equates to a program wide fatal accident rate of 0.357 per 100,000 flight hours; which is significantly below the national general aviation fatal accident rate that is generally between 1.19 (FY06) to 1.17 (FY09) per 100,000 flight hours.
2. Another comparison can be made by noting that between FY 92 (when the YE program was launched) and FY 11 there were a total of 7,115 fatal general aviation accidents vs. only two in the same time period that occurred during Young Eagles events.
3. The final way to compare the EAA flight safety record is to look at the total risk or exposure that each event has. Every single Young Eagle flight, and there were 1,680,000 of them, exposes the passengers, the pilot, and the aircraft to the recognized high risk of operating in the vicinity of an airport (potential mid-air); and the takeoffs and landings. Using those single flight parameters, these 1,680,000 individual flights with only two fatalities would show a fatal accident rate of 0.118 per 100,000 Young Eagles flown.

EAA's established Young Eagles safety program do work and should be adopted, as requested, as the conditions and limitations of this exemption if approved.

### **PUBLIC INTEREST ISSUES**

The hundreds of general aviation pilots who volunteer their time, aircraft and expertise for the sole purpose of providing Eagle Flights and Young Eagles free flight experiences and aviation education to potential future pilots are the very soul of the industry's pilot promotion program. Because these volunteer pilots are currently being forced to absorb all costs associated with providing these free flights to Eagle Flights and Young Eagles participants we must recognize their sacrifice by repeating a quote from Sir Winston Churchill<sup>13</sup> - "*Never in the field of human conflict was so much owed by so many to so few*" While that quote refers to the war time efforts of the Royal Air Force in protecting Britain, the peace time efforts of volunteer Eagle Flights and Young Eagles pilots to fight further reductions in the U.S. pilot population must also be recognized as a herculean effort. In this petition for exemption EAA and the volunteer pilots are not asking the FAA to allow all operating expenses to be covered, we are simply asking the FAA to recognize their herculean commitment and efforts, and allow them to be reimbursed for the fuel they directly consume during the EAA Eagle Flights and Young Eagles events, and not to reduce this fighting force by limiting the compensation aspect (e.g., logging of insignificant amounts of flight time) of this volunteer effort to private pilots and type-certificated aircraft only.

The Young Eagles and Eagle Flight programs strive to achieve a number of objectives; including:

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<sup>13</sup> British Prime Minister Sir Winston Churchill speech, August 20, 1940, regarding the aerial Battle of Britain

- From the beginning of the human race the natural interest and desire has been to soar with the birds. These programs promote that basic human desire by using the free flight experiences to encourage youths and adults to become active participants and/or enthusiasts in the aviation community;
- Providing them with the opportunity to see their world from a different perspective;
- Raising awareness of aviation careers and recreational possibilities;
- Helping the youths and adults of America understand the basic knowledge needed to become pilots;
- Responding to the nations' shrinking pool of available pilots; and
- Help foster positive support for aviation and local airports, underscoring the importance, value, and economic impact of those airports to their community and the nation.

Partnerships have also been formed from the Young Eagles program. As an example, the Chicago Chapter of the Tuskegee Airmen, who work with the Young Eagles Program and Chicago area pilots, provide a monthly free flight experience for the youth of inner-city Chicago. Aside from the airplane flight, the Tuskegee Airmen use this opportunity to emphasize positive values and role models to the youths in attendance. Many of these youths would never have such opportunities if it were not for the dedication of local EAA and Tuskegee Airmen volunteers and the support of the Young Eagles Program.

Another such partnership has developed in the Louisville, KY area. A program has been established by Cardinal Wings, a local FBO, to encourage participation by young women in aviation activities. In Las Vegas an aviation charter school was established after school

administrators saw the enthusiasm in students generated after a Young Eagles experience. Schools officials are quick to credit to the Young Eagles Program as the spark that got the program off the ground. Through the free EAA Young Eagles flight experience program, hundreds of Make-A-Wish youths have received their desired dream event. EAA anticipates many more partnerships and outreach programs to develop as the Young Eagles Program continues to expand.

The Young Eagles Program has already provided some success stories. Former Young Eagles are attending aviation universities, have been accepted into the military academies, are now flying military aircraft, and have been hired by commercial passenger/cargo air carriers. Others have gone on to become general aviation and corporate pilots and have returned to fly the next generation of Young Eagles. Many of these EAA Young Eagles had no thought of pursuing aviation as a career before they were given this unique opportunity, and now they are the future of aviation.

The success of the EAA Young Eagles flight experience program also allowed EAA, in partnership with the aviation industry, to offer additional programs and incentives to assist enthusiastic Young Eagles in their pursuit of a pilot certificate. The EAA Young Eagles Flight Plan provides all interested youth with a free EAA student membership and a free student membership with the Academy of Model Aeronautics. The Flight Plan also includes free access to an online pilot training course from Sporty's Pilot Shops, a recognized leader in aviation training products. The training program provides all the knowledge needed to pass the FAA written and oral flight tests. The Flight Plan provides several milestone rewards to encourage Young Eagles to complete their training. These include an opportunity to earn a free first flight lesson with the Flight Instructor of their choice; reimbursement for the cost of passing the FAA

written test and a series of scholarships and flight awards to help with the cost of flight training. The majority of the Flight Plan is supported through philanthropic efforts of the aviation industry.

The success of the EAA Young Eagles free flight experience has also fostered many aviation related youth educational programs, including:

- Air Academy: a weeklong summer residence program in Oshkosh, Wisconsin, that allows young people ages 12-18 to discover and explore aviation with like-minded youth from around the world.
- Women Soar *You Soar*: A program connected to the annual EAA AirVenture Oshkosh fly-in that invites high-school age girls to discover the possibilities with aviation, aerospace, and other science-based careers.

A vital commercial program directly linked to the Young Eagles program is:

- Sporty's Complete Flight Training Course. EAA has partnered with Sporty's Inc. and is offering this flight training course as a free benefit to all who complete a Young Eagles free flight. Upon completion of this course the Young Eagle is presented with a FAA Private Pilot written test endorsement that can be used upon meeting FAA written test age requirements. This partnership has proven to be the ideal stepping stone between the Young Eagles free flight and the ultimate goal of starting formal flight training to become a certificated pilot.

Further expansion of the Eagle Flights and Young Eagles program will allow these educational and aeronautical opportunity objectives to be provided to many more people, in many more communities around the country. The granting of this exemption will continue to

provide a safety benefit to all of society, by introducing a greater number of the world's youth and adults to the aviation experience.

### **DESCRIPTION OF THE RELIEF SOUGHT**

Therefore, in accordance with Section, 6, paragraph (6)(A) of the Volunteer Protection Act of 1997 (Public Law 105-19), EAA is seeking an exemption from Federal Aviation Regulations (FAR), Parts §91.319(a)(2); §61.101(a)(2); §61.101(e)(3) and (4); §61.113(a) and (b); §61.113(c); §61.315(b); §61.315(c)(1) and (2); §120.105(a) and (g); and §120.215(1) and (7) to permit volunteer pilots holding sport, recreation, or private pilot certificates flying youths and adults in their light-sport, experimental, and standard category aircraft for free at EAA (Experimental Aircraft Association, Inc.) Young Eagles and EAA Eagle Flights events to be reimbursed, in the form of free aviation fuel, for their actual fuel expense incurred when providing free flight experiences to event participants when volunteering at these events for EAA, a nonprofit organization. The free fuel would be provided by individual donors, EAA chapters, EAA, airport sponsors through use of Federal Airport Improvement Program (AIP) marketing funds, local and state government agencies, and corporate supporters.

Further, EAA is requesting the FAA allow EAA to utilize the conditions and limitation of the existing EAA Young Eagles program as noted in the Safety Issues section of this petition for exemption as the conditions and limitations for this exemption. But, also allow EAA to change those conditions and limitations based on observed safety needs in order to keep the EAA Eagle Flight and EAA Young Eagles safety program a living program that can react to any critical issue that should arise.

This reimbursement of actual expenses is not commercial activity compensation.

Specifically, EAA is requesting an exemption from the above regulations for these reasons:

1. The receipt of free fuel would exceed the pro rata share of operating expenses for Sport, Recreation, and Private pilots limitation in §61.101(a)(2); §61.113(c); and §61.315(b). This exemption seeks relief from the limits of the pro rata rule for Sport, Recreational, and Private pilots who receive this fuel while volunteering their aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights. The pro rata sharing of expenses is normally born by passengers on a given flight, while in this case of volunteer pilots flying free Young Eagles and Eagle Flights orientation flights all flight expenses are borne solely by the volunteer pilot, the youth and adult participants are not charged anything in exchange for these flights which simply an introduction into the wonderful world and possibilities of aviation. The free fuel relief provided in this petition for exemption would be provided by someone or an entity other than the passenger.
2. The receipt of free fuel would be considered compensation per the September 19, 2000 letter to EAA from Mr. Mike Henry, Manager, FAA General Aviation and Commercial Division, AFS-800. The letter stated "...the FAA's Office of Chief Counsel has consistently held that it is not the source of compensation, but its receipt, that is prohibited under Federal Regulations believed applicable in this matter. This legal opinion affects flight time gained in conducting such operations by sport, recreation, and private pilot certificate holders as being a form of compensation, even though the amount of time may be insignificant..." This exemption seeks relief from the Sport, Recreation, and Private pilot compensation limitations as specified in §61.101(e)(3) and (4); §61.113(a) and (b); and §61.315(c)(1) and (2) to allow volunteer pilots volunteering their

aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights, who receive the free fuel, to be able to fly their aircraft and log the insignificant amount of flight time this activity will generate while conducting free EAA Eagle Flights and Young Eagles flights without said flights being considered compensation, either commercial or for hire, flights.

3. As noted in item 2, above, the logging of flight time is considered compensation, therefore this exemption seeks relief from the experimental aircraft compensation limitation as specified in §91.319(a)(2) to allow volunteer pilots volunteering their experimental aircraft and personal time conducting free EAA Eagle Flights and Young Eagles flights, who receive the free fuel, to be able to log the insignificant amount of flight time this activity will generate while conducting free EAA Eagle Flights and Young Eagles flights.
4. Other than the receipt of free aviation fuel and the resulting logging of insignificant amounts of flight time while conducting free EAA Eagle Flights and Young Eagles flights, these free youth and adult flights are not being conducted for commercial compensation or hire; they are not raising funds for a non-profit, charitable, or community organization or event; they are not sightseeing flights; and they are not §119, 121, or 135 commercial operations. But, because of the above noted 2000 FAA policy that stated the logging of insignificant amounts of flight time is considered to be a commercial compensation activity and safety-sensitive positions (volunteer pilots and volunteer ground support screeners/ground guides) are being used, this exemption is seeking an exemption from the FAA drug and alcohol testing requirements in

§120.105(a) and (g) and §120.215(1) and (7) for pilots flying free EAA Eagle Flights and Young Eagles flights.

EAA contends that this petition for exemption fully complies with Section 6, paragraph (6)(a) of the Volunteer Act of 1997, Public Law 105-19, in that EAA Eagle Flights and Young Eagle pilot who are volunteering their time and aviation expertise to a nonprofit organization, EAA, by providing free flights are federally authorized to be reasonably reimbursed for expenses actually incurred.

With this petition for exemption, EAA is asking the FAA to recognize the facts provided in this petition and provide for relief, in the form of free fuel, to the volunteer Sport, Recreational and Private certificated pilots who donate flight time in their light-sport, experimental, and type-certificated (standard category) aircraft.

This petition is also asking the FAA recognize the importance of the EAA Eagle Flights and Young Eagles free youth and adult flight events toward the current and future growth of the U.S. pilot population.

Dated: April 17, 2012

A handwritten signature in black ink, appearing to read "Randy Hansen". The signature is fluid and cursive, with a large initial "R" and "H".

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