



**CAP OPERATIONS**

**UNDER THE**

**FEDERAL AVIATION REGULATIONS**



**Don't Build Your Fence Right On The Property Line**



**Don't Shoot The Messenger**



**Two Critical FAR Sections**

|   |  |
|---|--|
| <b>Part 119</b><br>Certification: Air Carriers and Commercial Operations<br>§ 119.1 Applicability | <b>Part 61</b><br>Certification: Pilots, Flight Instructors, and Ground Instructors<br>§ 61.113 Private pilot privileges and limitations: Pilot in command |
|---|--|

**CAP OPERATIONS UNDER THE FARs** 

- ◆ FAR 119.1 – Cannot be an “air carrier” or “commercial operator” without “operator certificate” (part 121 or 135 operation)
- ◆ FAR 119.1(e) Exceptions – student instruction, sightseeing, ferry flights, training flights, aerial work operations

**CAP OPERATIONS UNDER THE FARs** 

**FAR 119.1 – Cannot be an “air carrier” or “commercial operator” without “operator certificate” (part 121 or 135 operation)**

**CAP OPERATIONS UNDER THE FARs** 

- ◆ **Aerial Work Operations**
  - Crop Dusting, seeding, spraying, bird chasing
  - Banner towing
  - Aerial photography or survey
  - Fire fighting
  - Powerline or pipeline patrol
  - Search & locate



**CAP OPERATIONS UNDER THE FARs** 

FAR 119.1 – Cannot be an “air carrier” or “commercial operator” without “operator certificate” (part 121 or 135 operation)

“Of the funds made available in this Act, not less than \$ shall be available for the Civil Air Patrol....Provided that funds identified for Civil Air Patrol under this section are intended for and shall be for the exclusive use of CAP and not for the Air Force or any unit thereof.” - Defense Appropriations Act

**CAP OPERATIONS UNDER THE FARs** 

◆ **FAR 61.113 – Private Pilot cannot be PIC**

- Of aircraft carrying passengers or property for compensation or hire
- For compensation or hire



**CAP OPERATIONS UNDER THE FARs** 

◆ **Private Pilot cannot be PIC for compensation or hire**

- **Exceptions**
  - » May pay no less than pro rata share of certain operating expenses of a flight with passengers - § 61.113(c)
  - » May be reimbursed for certain operating expenses relating to qualified search & locate operations - § 61.113(e)

**CAP OPERATIONS UNDER THE FARs** 

Private Pilot cannot be PIC of aircraft carrying passengers or property for compensation or hire

“Of the funds made available in this Act, not less than \$ shall be available for the Civil Air Patrol....Provided that funds identified for Civil Air Patrol under this section are intended for and shall be for the exclusive use of CAP and not for the Air Force or any unit thereof.” - Defense Appropriations Act

**CAP OPERATIONS UNDER THE FARs** 

“In determining what is considered compensation, it has been the FAA’s longstanding policy to define compensation in very broad terms. For example, any reimbursement of expenses (fuel, oil, transportation, lodging, meals, etc.), if conditioned upon the pilot operating the aircraft, . . . .

**CAP OPERATIONS UNDER THE FARs**



... would constitute compensation. In addition, the building up of flight time may be compensatory in nature if the pilot does not have to pay the costs of operating the aircraft.”

FAA Interpretation 1997-23

**CAP OPERATIONS UNDER THE FARs**



- ◆ CAP exemption 6485 to 91.501
  - Allows CAP to use small aircraft as corporations use heavy metal
  - Operate under part 91, not 135
  - Can carry passengers/cargo
  - “Tag along” rule – corporate purpose
  - Can have limited reimbursement
  - Requires commercial pilot

**CAP OPERATIONS UNDER THE FARs**



**CAP Exemption 6771 to 61.113(e)**

- Allows additional reimbursement of private pilots for Air Force assigned search & locate missions
- Clarifies that cadet orientation flights do not need an operating certificate
- Clarifies that “A” missions are not for compensation

| IF THE PURPOSE OF THE FLIGHT IS:                    | AND THE PERSONS ARE:  | AND THE AIRCRAFT IS:                | AND THE AIRCRAFT IS:                            | WHEN MAY BE CLOWED BY:                         |
|---|---|-------------------------------------|---|--|
| Search and Locate                                   | Pilot crewmembers, CAP members, Armed Services, Authorized Government Employees | A or B Reimbursed or Not Reimbursed | Corporate Owned                                 | Private Pilot                                  |
|   | Other Passengers  | C Reimbursed or Not Reimbursed      | Ministry Furnished (See Actual Work Operations) | Private Pilot                                  |
|   |   | A                                   | Any   | Commercial Pilot or ATP                        |
|   |   | B or C Reimbursed or Not Reimbursed | Any   | Private Pilot                                  |
| Aerial Work Operations (Aerial mapping, info relay) | Crewmembers (PART 1)  | Any                                 | Any   | Private Pilot                                  |
|   | Passengers or Non-CAP Property  | Reimbursed                          | Any   | Commercial Pilot or ATP                        |
|   |   | Not Reimbursed                      | Any   | Private Pilot                                  |
| Domestic CAP or AFROTIC Orientation Flights         | Pilot crewmembers, CAP Cadets, AFROTIC Cadets                                   | A or B Reimbursed or Not Reimbursed | Corporate Owned                                 | Private Pilot                                  |
| Overseas CAP Orientation Flights                    | Pilot crewmembers, CAP Cadets   | Any                                 | Ministry Furnished                              | Private Pilot                                  |
| Transportation                                      | Passengers or Non-CAP Property  | A or Not Reimbursed                 | AF Aero Club Owned                              | Commercial Pilot with Instrument Rating or ATP |
|   |   |                                     |   | Private Pilot                                  |
|   |   | Not Reimbursed                      | Any   | Commercial Pilot                               |

# Communications Briefing

**Civil Air Patrol**  
*Performing Missions For America*

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**Communications Program**



**U.S. AIR FORCE  
AUXILIARY**

**Malcolm Kyser**  
**HQ CAP/DOK**  
Philadelphia, PA - 15 August 2002

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 **Background**

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- ◆ **State of change**
- ◆ **Nine years into a 15 year transition**
  - ◆ Began in 1993 with mass repeater registration
  - ◆ Completion by 2008 with transition to Narrowband FM frequencies/equipment
  - ◆ Policy decisions at each critical point were made by the sitting National Board

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 **Why?**

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- ◆ **New understanding**
  - ◆ Our situation and responsibilities
  - ◆ CAP use of federal frequencies
  - ◆ Federal frequency management
    - ◆ As opposed to civil
  - ◆ NTIA guidance rather than FCC
  - ◆ Air Force registration and procedures

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*15 August 2002, Philadelphia, PA*



# Communications Briefing

 **What does this mean to us?**

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- ◆ **Compliance with the requirements of our authorizations**
  - ◆ **Station properties**
    - ◆ Location, antenna height, output power, etc
  - ◆ **Minimum equipment specifications**
    - ◆ IAW NTIA Manual, Chapter 5
    - ◆ Engineering of the radio
    - ◆ Commercial grade equipment
    - ◆ Crowded bands / Good neighbor

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 **Other motivators**

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- ◆ **Need for a commercial-grade system**
  - ◆ Reliability
  - ◆ Public service communications
  - ◆ Safety of operations – not an option
- ◆ **Interoperability**
  - ◆ Homeland Security cornerstone
- ◆ **Members shouldn't have to fund it**
  - ◆ Mission critical requirement

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 **How are we going to do this?**

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- ◆ **Communications Strategic Plan**
  - ◆ 1 December 1998
  - ◆ Communications Program Milestones
  - ◆ Proposed by communications managers

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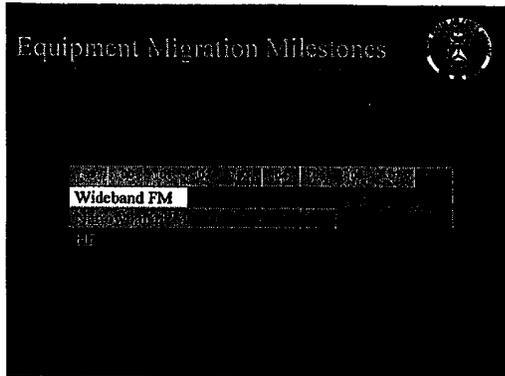
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# Communications Briefing



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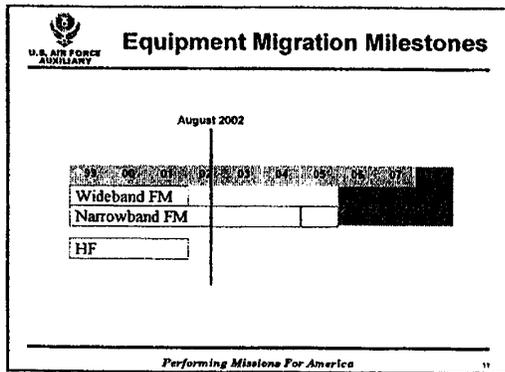
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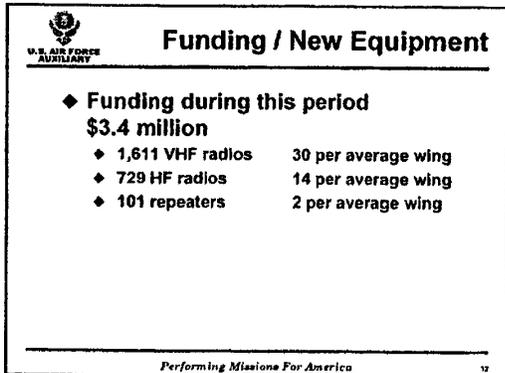
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# Communications Briefing

 **Funding Initiatives**

- ◆ **CAP Communications Requirements Conference** 29 – 30 May, Maxwell AFB, AL
  - ◆ CAP Communications Funding Strategy
  - ◆ Process agreement between CAP, AU, AETC
  - ◆ Established LMR requirement: **\$19.7 million**
  - ◆ AETC/SC will
    - ◆ Take "ownership" of CAP LMR funding initiative
    - ◆ Act as "advocate" for communications funding
      - ◆ Request \$1.6 million from AETC FY02 EOY
    - ◆ Request catch-up funding from Air Staff FY02 EOY
      - ◆ \$8.8 million

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 **Benefits to CAP**

- ◆ Recognition as a professional player
- ◆ Fulfill Core Values – Integrity
- ◆ Improve mission capability
- ◆ Remove financial burden from members

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 **Cincinnati Decision**

- ◆ **Motion**

"If the mandate on wide-band equipment deletion, effective 31 December 2001, is a self-imposed deadline, that the National Board suspend it."
- ◆ **Staff tasking/actions**
  - ◆ Attempt to answer the inherent question
  - ◆ GC Memo
  - ◆ Questions still remained
  - ◆ Records indicate adequate equipment
    - ◆ Except for aircraft

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# Communications Briefing

 **NEC Action**

1. Leave sunset date as is
2. Disregard some receiver specs in aircraft
3. Disregard some receiver specs ground/air
4. Let Cincinnati decision stand

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 **NEC Action**

*"Radios in service prior to today, manufactured for the band, meeting all National Telecommunications and Information Administration transmitter specs, meeting all receiver specs except may be 5db outside specs on receiver selectivity, allowed to continue operation until 31 December 2003 or until replaced earlier."*

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 **NEC Action**

◆ **Result**

- ◆ Cincinnati decision set aside
- ◆ Strat Plan Milestone amended by NEC
- ◆ CC letter to NB
- ◆ Amended Milestone took effect
  - ◆ 31 December 2001
- ◆ CAP now in compliance with NTIA standards
  - ◆ Except for NEC limited allowance

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# Communications Briefing

 **Summary**

- ◆ Comm program in a state of change
- ◆ 10 years into a 15 year plan
- ◆ We must stay the course
- ◆ End result
  - ◆ Professional communications system
  - ◆ Interoperability with agency partners
  - ◆ Air Force support
  - ◆ Removal of financial burden from members

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 **COMMUNICATIONS**



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Attachment 6-7 to agenda item 13