

## Flight Sharing Requires FAA Part 119 Certification

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This article provides analysis of the District of Columbia Circuit Court of Appeals decision in the case *Flytenow, Inc. v. F.A.A.* Shortly after it began operating in 2014, Flytenow requested a legal interpretation from the Federal Aviation Administration (FAA) regarding compliance with the Federal Aviation Act of 1958 and the Federal Aviation Regulations. The FAA determined that participating pilots would be considered common carriers and thus subject to certification as commercial operators under FAR Part 119. Flytenow then appealed, which the court ultimately upheld the FAA's longstanding definition of 'common carriage' and concluded that flight-sharing services are effectively pilots operating in common carriers and thus subject to Federal Aviation Regulations Part 119 certification requirements.

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