

Aviation Group Client Update

Date: July 22, 2015

New Policy on Carriage of Passengers for Compensation on Living History Flight Experience (LHFE) Flights.

On [July 21, 2015](#) the Federal Aviation Administration (FAA) announced that it was canceling previous policies pertaining to LHFE flights and was lifting its moratorium on new requests for permission to operate LHFE flights.

In 1996 the FAA first approved the operation of LHFE flights. In 2011 the FAA imposed a moratorium on the approval of new operations while it considered safety and operational issues. FAA requested comments from stakeholders and held meetings with stakeholders including the Smithsonian National Air and Space Museum and other aviation organizations. Two accidents involving LHFE operators occurred during this evaluation period.

In 2012 the FAA held meetings to gather further input on the issue of LHFE policy. The need to develop a safety and risk management system was evident, and supported by comments received. As a result the FAA is canceling all previously issued LHFE policy statements and will now consider new petitions for exemption, or requests for extensions or amendments to current exemptions.

1. Aircraft must be historically significant. Among other things, it must be at least 50 years old, operated under U.S. military standards for airworthiness, not currently operated by the U.S. military; and there must not be a standard category civilian model available.
2. There must be a responsible party, and operational control structure with a manual system equivalent to 14 CFR part 135 for pilots, maintenance, and support personnel.
3. Safety Risk Management (SRM) and Equal Level of Safety (ELoS) principles will be utilized in connection with requests.

If you have any questions or would like further information regarding this Notice, please contact any of our attorneys or:

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