

**MEMORANDUM OF UNDERSTANDING  
BY AND BETWEEN  
THE CIVIL AIR PATROL BY THE OREGON WING  
AND  
THE OREGON MILITARY DEPARTMENT  
OFFICE OF EMERGENCY MANAGEMENT**

**1. Purpose.** The Oregon Military Department, Office of Emergency Management (OEM) and Civil Air Patrol (CAP) wish to utilize the services of CAP and its volunteers for the public good. This memorandum of understanding (MOU) describes the procedures by which OEM may request CAP mission support as well as the terms under which missions are authorized, performed, and reimbursed. The memorandum does not, in and of itself, create any legal obligations among the parties or signatories. All previous MOU(s) between CAP and OEM are superseded by this agreement. *NOTE: No Counterdrug (CD) missions are authorized by this MOU.*

**2. Parties.** This MOU is between CAP, through its Oregon Wing (ORWG) and OEM.

**a. Civil Air Patrol.** CAP is a federally chartered charitable non-profit corporation. (36 USC §§40301-40307) Missions flown under this MOU are “corporate missions.” Although CAP is not a government agency or military service, it acts as a volunteer civilian auxiliary of the United States Air Force (USAF) when the services of CAP are used by any department or agency in any branch of the Federal Government. Only the United States Air Force (USAF) can assign “Air Force Assigned Missions” (AFAMs.) See Attachment AF for a discussion of CAP’s status and missions as the Air Force Auxiliary (10 USC §§9441, 9442) and procedures to request “Air Force assigned missions” (or AFAMs.)

**(1) STATE.** ORWG is an administrative subdivision of CAP and not a separate legal entity from CAP. The ORWG Commander is a CAP corporate officer. CAP is generally organized along geographic lines and ORWG’s jurisdiction is defined by the boundaries of the state. Missions under this MOU will be performed by ORWG. Contact information is included as Attachment B. (The parties may update Attachment B unilaterally by e-mail or other writing.)

**(2) CAP Members.** CAP members are volunteers in public service. Members pay an annual membership fee to join and participate in CAP. “Members,” as volunteers are not “employees.” Although CAP may have employees in the state, their duties as employees are administrative in nature and do not include participating in CAP missions. ORWG may use CAP members of units from outside of ORWG or Oregon to perform missions under this MOU. All CAP members shall be deemed members of ORWG while performing missions under this MOU and entitled to benefits of such membership that arise under this MOU.

**(3) CAP-USAF.** The United States and Civil Air Patrol - United States Air Force (CAP-USAF) are not a party to this agreement. (See Attachment AF.)

**b. STATE.**

**(1) STATE Agency.** OEM is responsible for executing the Governor's responsibilities to maintain an emergency services system as prescribed in ORS 401 by planning, preparing and providing

for the prevention, mitigation and management of emergencies or disasters that present a threat to the lives and property of citizens of and visitors to the State of Oregon. OEM's contact information is provided in Attachment B.

**(2) Other State or Local Agencies.** This MOU is exclusively between OEM and the ORWG. No other Federal, Tribal, State, County, or local agency, or private or public entity will be extended any rights or permissions under this agreement except as noted below under (a). Use of CAP assets by any organization other than OEM is at the discretion of CAP and leaves OEM hold harmless.

**(a) Exceptions.**

In an emergency, any other agency wanting to use CAP services under this MOU, must do so through OEM. Agency officials must contact OEM officials who will note the exception in writing (hard copy or electronic). The requesting agency then assumes all responsibility, including fiscal, for coordinating and utilizing CAP services. OEM shall inform ORWG of the exception and both OEM and ORWG shall inform the other agency of these responsibilities to the best of their abilities.

**(3) STATE-WING Relationship.** There is no statutory relationship between OEM and ORWG.

**3. CAP Mission Capabilities & Limitations.**

**a. Capabilities.**

**(1) Objectives.** CAP provides an organization of private citizens equipped to respond to local and national emergencies and to serve the public welfare. (36 U.S.C. §40302). CAP can quickly organize large numbers of highly trained volunteers with ready access to up-to-date equipment to provide cost effective support to government agencies.

**(2) Operations.** ORWG assistance to OEM may include, and is not limited to: aerial missions such as reconnaissance to search for victims, damage assessments, or environmental surveys utilizing visual, photographic, digital, and video techniques; Airborne Public Address System; airborne communications support; and airlift (subject to regulatory restrictions discussed in paragraphs 3b and 5g and 5h below). Other support may include: manual labor (e.g. filling sandbags for flood control); radio communications; and ground teams (typically used in search and rescue (SAR) missions). Ground teams are prohibited from participating in CD or other law enforcement missions.

**b. Limitations.**

**(1) Priority of Missions.** OEM understands and acknowledges that the USAF may withdraw CAP from missions in progress under this MOU when necessary to pursue higher priority missions. This is because CAP is the official auxiliary of the Air Force, and there is a priority for employing CAP resources which may affect availability of support to state and local authorities. Priority for utilizing CAP resources is as follows: first, USAF, then other DoD departments and agencies, other Federal departments and agencies, state agencies, and finally, local agencies.

**(2) Law.** CAP does not have any special exemption from civil or criminal law. Nothing in this agreement shall be read to require any party or signatory to act in violation of the law or

applicable regulations. Furthermore, none of the provisions in this MOU is intended to conflict with applicable laws, regulations, or directives governing CAP missions/activities, including but not limited to those discussed below.

(a) **Federal Aviation Regulations.** Civil Air Patrol pilots, most of whom are private pilots, are required to comply with Federal Aviation Regulations (FARs.) The FARs may prohibit private pilots from flying some of the missions (including transport missions except for certain exceptions) contemplated by this MOU. (See Attachment C, CAP Missions and Pilot Limitations.)

(b) **Assistance to Law Enforcement.** CAP regulations limit assistance to law enforcement agencies to “passive assistance.”

CAP members may not be deputized nor may they take an active part in arrest or detention activities and have no authority to restrict persons by means of force, active or implied.

a. CAP assistance to law enforcement agencies which may lead to criminal prosecution is restricted to patrol, reconnaissance, and reporting only. Requests for such assistance, unless of an emergency nature, must be approved in advance by the Wing and Region Commanders and coordinated with the National Operations Center (NOC) at 888.211.1812 or opscenter@capnhq.gov. All CAP flights will be in accordance with CAPR 60-1. (CAPR 900-3 paragraph 3a.)

(c) **CAP Directives.** CAP missions and activities are also limited by CAP regulations. CAP personnel are required to comply with CAP regulations. Failure of CAP members to comply with applicable regulations may result in administrative action. (See References below.)

(3) **Risk Management.** CAP is an organization of non-paid volunteer citizens. As such, CAP members may decline to participate in missions or discontinue missions at any time. Additionally, CAP may decline or suspend CAP missions for any reason, including but not limited to safety, risk, and liability concerns.

(a) **Oregon Risk Management.** All pilots and aircraft flying in support of OEM or another Oregon state or local agency as requested through OEM in accordance with Paragraph 2.b.(2)(a) must meet or exceed State Risk management requirements (DAS Policy 125-7-301) for this type of activity. See Attachment E for these requirements.

4. **Emergencies.** For emergency missions in which (a) life or property are in imminent peril and (b) local resources are inadequate, please see Attachment AF for criteria and procedures for requesting an AFAM.

5. **Requesting Missions - In General.** Any and all mission requests may be submitted to the NOC at 888.211.1812 or opscenter@capnhq.gov. Reimbursement will be made in accordance with this paragraph and paragraph 7. Corporate missions may include, but are not limited to:

a. **Air and Ground Search and Rescue (SAR) Operations.** See Attachment AF regarding requests for air and ground SAR operations. If the Air Force declines to accept the mission, CAP may nevertheless accept the mission as a corporate mission.

- b. **Mercy Missions.** Mercy missions refer to the transport of blood, organs, serum, and medical equipment necessary to relieve a specific time-critical, life-threatening situation where commercial transportation is unavailable. For more information on how to request a Mercy mission, contact the Air Force Rescue Coordination Center (AFRCC) at 800-851-3051.
- c. **Disaster Mitigation and Relief (DR) Operations.** DR missions relate to assistance needed for major disasters or emergencies (including all natural and man-made disasters such as hurricanes, floods, tornados, major storms, earthquakes, oil spills or other environmental disasters). See Attachment AF regarding requests for DR missions. If the Air Force declines to accept the mission, CAP may nevertheless accept the mission as a corporate mission.
- d. **SAR/DR Training Missions.** See Attachment AF regarding requests for air and ground SAR/DR Training Missions. If the Air Force declines to accept the mission, CAP may nevertheless accept the mission as a corporate mission.
- e. **Homeland Security (HLS).** See Attachment AF regarding requests for Homeland Security operations. If the Air Force declines to accept the mission, CAP may nevertheless accept the mission as a corporate mission.
- f. **Aerial Reconnaissance of Ground Conditions and Surface Traffic for OEM.** This may include visual or photographic reconnaissance of wildlife, land, forests, roadways and waterways, etc. (Note: in the event of an “environmental disaster,” OEM may be able to request an AFAM in accordance with Attachment AF). Participation of OEM personnel in these aerial reconnaissance missions is discussed in paragraph 5g below.
- g. **Agency Crewmembers.** OEM may request CAP aircraft and aircrew as an aerial platform from which OEM officials may perform “aerial work,” as “crew members.” “Aerial work” includes missions such as aerial reconnaissance of ground conditions (discussed in paragraph 5f above) or operation of an airborne repeater. OEM officials may be authorized to fly aboard CAP aircraft in accordance with CAPR 60-1, *CAP Flight Management*.” OEM officials performing aerial work or duty in the aircraft during flight are crewmembers and not “passengers.” (14 C.F.R. §119.1(e) (4).)
- h. **Air Transportation of Cargo and Passengers.** Air transport of cargo and/or passengers on corporate missions shall be in accordance with subparagraphs (1) and (2) below. Such missions shall be performed without reimbursement or payment of any kind from sources outside of CAP due to FAA restrictions. (Note: Transport missions may be funded by the CAP pilot or the ORWG but such missions may be limited due to availability of funding):
  - (1) **Human Organs, Tissues, and Medical Supplies.** CAP may perform missions to transport organs, tissues, medical supplies at request of OEM for humanitarian reasons without accepting reimbursement or payment of any kind from outside sources.
  - (2) **OEM Officials/Other Non-CAP Passengers.** CAP may transport OEM officials and other non-CAP passengers approved in accordance with CAPR 60-1.

## 6. **Command, Control, Coordination and Cooperation:**

- a. Immediate command and control over all CAP resources and personnel employed in accordance with this MOU shall rest with CAP and its IC at all times. Mutual consent

should be the norm; nevertheless, any party to this agreement may suspend or terminate CAP missions conducted pursuant to this MOU without cause. The CAP IC exercises full authority over all CAP personnel for matters pertaining to its mission; and when the CAP IC is not the overall IC, the CAP IC serves as an agency representative in the incident command structure. Once CAP resources have been committed to a mission controlled by another agency, they will not be withdrawn except upon authorization of the controlling agency or the decision of the CAP IC.

**(1) Incident Command (IC).** OEM will be overall IC for all missions in which CAP is an asset working at the request of OEM. CAP will appoint an IC as a single point of contact who has authority to withdraw CAP to/from the mission in accordance CAPR 60-3 paragraph 1-25.

**(a) Note.** Under 2.b.(2)(a) CAP assets may work for an agency other than OEM. In this circumstance, that agency becomes overall IC for the mission.

**b.** Both ORWG and OEM agree to maintain continual and effective communication and coordination to facilitate the training necessary for effective CAP participation with state emergency service personnel in disaster relief missions.

**7. Reimbursement.** Reimbursement to ORWG for missions will be as follows:

**a. Reimbursement for Corporate Missions.** When OEM reimbursement is required by ORWG for missions performed under this MOU, such reimbursement shall be limited to the rates established in the current Civil Air Patrol Regulation 173-3, *Payment for Civil Air Patrol Support, Attachment 1* (a copy of which is provided as Attachment D and incorporated herein by reference). The parties agree that Attachment D, as revised from time to time by Civil Air Patrol and approved by CAP-USAF and the FAA, will be the basis for determining reimbursement. Additionally, aircraft and automobile fuel and oil will be reimbursed at actual cost. OEM will be responsible only for costs incurred by ORWG CAP on OEM generated and assigned missions.

**(1) Exception.** Under 2.b.(2)(a) any other agency using CAP for a mission assumes all reimbursement costs for the duration that CAP assists that agency.

**b. Restrictions on Billing.** Dual payment/compensation or double billing is prohibited and may not be requested or accepted. For example, if ORWG receives or is offered state funds for aircraft operating expenses (fuel, oil, maintenance), ORWG may not seek or accept reimbursement for the same expense from CAP National Headquarters, or from any other source (i.e. another federal agency).

**8. Liabilities: Insurance, Workers Compensation & Related Matters.**

**a. State Protections.** There are no state benefits afforded CAP and its members such as workers compensation or liability protection. CAP third party liability and personal injury coverage available to the corporation and its members are generally outlined in CAP Regulation 900-5.

**b. CAP Protections.** In addition to protections afforded in paragraph 8a above (if any), CAP and its members are protected by liability insurance policies as well as member benefits described in CAP Regulation 900-5, *Civil Air Patrol Insurance/Benefits Program* and 112-10, *Indemnification*.

- c. **No Federal Protections.** CAP and its members are not deemed to be instrumentalities of the United States while performing corporate missions. Therefore, Federal Tort Claims Act (FTCA) (10 U.S.C. 9442(b) (2); 28 U.S.C. 2671 *et. seq.*) and Federal Employees Compensation Act (FECA) (5 U.S.C. 8151) do not apply.

**9. Air Force Provisions.**

- a. The subject MOU is between ORWG and OEM and is not an agreement with CAP as the Air Force Auxiliary.
- b. The United States Air Force has priority in the use of CAP equipment bought with appropriated funds. The priority for utilizing CAP resources is: (1) USAF; (2) Other DoD departments and agencies; (3) other Federal departments and agencies; (4) State agencies and (5) Local agencies.
- c. CAP volunteers flying missions under this MOU are not eligible for FTCA or FECA benefits.
- d. No Air Force Assigned Missions (AFAM) will be assigned pursuant to this MOU.
- e. Missions flown and funded under this MOU are not eligible for payment or reimbursement from the federal government.

**10. Effective Date, Term, Termination, and Approval Provisions.**

- a. **Effective Date.** The terms of this MOU will become effective as of the date signed by both parties.
- b. **Term.** This MOU shall be effective for a period of five years from its effective date.
- c. **Amendment.** This MOU embodies the entire terms and understanding of the parties and no other agreements exist between the parties except for those expressly stated herein, to include attachments cited below and executed by the parties. This MOU may be amended by written notice of either party, which expressly identifies itself as a part of this agreement and is signed by an authorized representative of each of the parties. Air Force provisions in this MOU are not subject to amendment or revision by either party. (See paragraph 9 and Attachment AF.)
- d. **Termination.** The parties may terminate this MOU at any time upon thirty day (30) day advance written notice of termination signed by their designated representatives. Copies of the termination notice shall be mailed to the designated representatives of each of the parties at addresses shown below. (See Attachment B and the addresses below).

National Headquarters, Civil Air Patrol  
Attention: DO  
105 So. Hansell Street  
Maxwell AFB, AL 36112

Oregon Military Department  
Office of Emergency Management  
PO Box 14370  
Salem, OR 07309-5062

**IN WITNESS WHEREOF, this MOU has been executed by the parties herein:**

**CAP**

**State of Oregon  
Office of Emergency Management**

By \_\_\_\_\_  
Brian L. Bishop  
Colonel, CAP           Dated: \_\_\_\_\_  
Oregon Wing Commander

By \_\_\_\_\_  
David A. Stuckey  
Deputy Director       Dated: \_\_\_\_\_

Attachments:

- AF Untitled AF Involvement Attachment
- B Contact Information
- C Table: CAP Missions and Pilot Limitations
- D CAP Regulation 173-3, *Payment for Civil Air Patrol Support*, Attachment 1, Reimbursement Rates
- E DAS Policy 125-7-301

References:

Hotlinks to online sources for these citations can be found at:

United States Code <http://uscode.house.gov/usc.htm>

10 U.S.C. §§ 9441 - 9448, (Organization and Management of Civil Air Patrol)

36 U.S.C. §§40301 – 40307, *Civil Air Patrol*

Code of Federal Regulations <http://www.gpoaccess.gov/cfr/index.html>

14 C.F.R. §119.1, *Applicability* [of common carrier regulations]

CAP Publications <http://cap.globalreach.com/index.cfm?nodeID=5285>

CAP Regulations - 60 series including:

CAP Regulation 60-1, *Flight Management*

CAP Regulation 60-3, *CAP Emergency Services Training and Operational Missions*

CAP Regulation 112-10, *Indemnification*

CAP Regulation 173-3, *Payment for Civil Air Patrol Support*

CAP Regulation 900-3, *Firearms - Assistance to Law Enforcement Officials*

CAP Regulation 900-5, *Civil Air Patrol Insurance/Benefits Program*

**AIR FORCE ASSIGNED MISSIONS**

1. The following are potential Air Force Assigned Missions (AFAM):
  - a. **Air and Ground Search and Rescue (SAR) Operations.** CAP, as the Air Force Auxiliary performs SAR missions to search for, locate, and relieve a distress situation, including overdue aircraft, emergency locator transmitters (ELTs), and persons in distress. For more information on how to request an AFAM SAR mission, contact the Air Force Rescue Coordination Center (AFRCC) at 800-851-3051.
  - b. **Mercy Missions.** Mercy missions refer to the transport of blood, organs, serum, and medical equipment necessary to relieve a specific time-critical, life-threatening situation where commercial transportation is unavailable. For more information on how to request a Mercy mission, contact the Air Force Rescue Coordination Center (AFRCC) at 800-851-3051.
  - c. **Disaster Mitigation and Relief (DR) Operations.** DR missions relate to assistance needed for major disasters or emergencies (including all natural and man-made disasters such as hurricanes, floods, tornados, major storms, earthquakes, oil spills or other environmental disasters). For more information on how to request a Disaster Mitigation and Relief mission, contact the Air Force National Security Emergency Preparedness (AFNSEP) duty officer at 800-366-0051.
  - d. **SAR/DR Training Missions.** SAR/DR training missions are joint training missions with CAP and the State Agency. For more information on how to request a SAR/DR training mission contact the appropriate State Director. (See Attachment B – Contact Information).
  - e. **Homeland Security (HLS).** Department of Defense and Air Force policy on HLS missions CAP may be tasked to perform in support of civil authorities is still evolving. For more information on how to request a Homeland Security mission, contact the CAP National Operations Center (NOC) at 888-211-1812 or opscenter@capnhq.gov.
2. For information on any other above AFAM, you may also contact the NOC at 888-211-1812.

## Attachment B

**CONTACT INFORMATION**

If persons below are not available call 888-407-4193 to reach On-duty Alert Officer

<b>CIVIL AIR PATROL</b>			
Contact Information as of 30 November 2011			
<b>MISSION</b>	<b>CONTACT</b>	<b>PHONE &amp; E-MAIL*</b>	<b>ADDRESS</b>
Planning & Miscellaneous	Richard Ouellette	W:541-688-9408 F: 541-689-9509 H:541-935-4156 C: 541-543-7414 E:rouellette@msn.com	CAP ORWG HQ 28735 Grumman Dr. Eugene OR 97402-9542
Planning & Miscellaneous- AFAM	Richard Ouellette	above	
Search and Rescue (MOU paragraph 5a)	Richard Ouellette	above	
Mercy Missions (MOU Paragraph 5b)	Richard Ouellette	above	
Disaster Mitigation & Relief (DR) (MOU Paragraph 5c)	Richard Ouellette	above	
SAR/DR Training (MOU Paragraph 5d)	James Nakauchi	W: 253-982-2413 C:253-310-6489 James.Nakauchi@mcchord.af.mil	
Homeland Security (HLS) (MOU Paragraph 5e)	CAP National Operations Center	W: 888.211.1812 / 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	
Corporate Missions (MOU Paragraph 6.)	Richard Ouellette	above	

**CONTACT INFORMATION****OREGON EMERGENCY MANAGEMENT**

Contact Information as of 30 November 2011

**Executive Duty Officer (EDO)**

Duty hours (M-F, 0800-1700): 503 378 2911  
 Non-duty hours: 800 452 0311  
 FAX: 503 373 7833

**State SAR Coordinator**

Duty hours (M-F, 0800-1700): 503 378 2911 x 22238  
 Non-duty hours: 800 452 0311  
 FAX: 503 373 7833

Attachment C  
**TABLE: CAP MISSIONS AND PILOT LIMITATIONS**

CAP MISSIONS AND PILOT LIMITATIONS

IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Air Force Assigned Missions (AFAMs)	Pilot crewmembers, CAP members, Armed Services, Authorized Government Employees	A or B Reimbursed or Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	In accordance with CAPR 173-3	Exemption 6771
		C Reimbursed or Not Reimbursed	See Aerial Work Operations			
	Other Passengers	A	Any	Private Pilot	Fuel, oil, airport expenditures, or rental fees	FAR 61.113(e)
		B or C Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	<b>See Note 1</b>	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
Aerial Work Operations (Aerial imaging, radio relay)	Crewmembers (FAR 1.1)	Any	Any	Private Pilot	<b>See Note 1</b>	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
	Passengers or Non-CAP Property	Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	<b>See Note 1</b>	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation

Attachment C

**TABLE: CAP MISSIONS AND PILOT LIMITATIONS (cont'd)**

						1997-23
IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Domestic CAP Cadet Orientation Flights IAW CAPP 52-7, AFROTC, AFJROTC Orientation Flights	Pilot, CAP Cadets, AFROTC Cadets, AFJROTC Cadets	A AF Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Reimbursed with other than AF Funds	Any	Commercial	Any Expenses Authorized by CAP	
Overseas CAP Orientation Flights	Pilot crewmembers, CAP Cadets	Any	AF Aero Club Owned	Commercial Pilot with Instrument Rating or ATP	Any Expenses Authorized by CAP	Exemption 6771, CAPR
Transportation	Passengers or Non-CAP Property	A & B Reimbursed Or C Not Reimbursed	Any	Private Pilot	<b>See Note 1</b>	FAR 61.113(c), Interpretation 1997-23
				Commercial Pilot	Any Expenses Authorized by CAP	Exemption 6485
		C Reimbursed	Any	Not Authorized - Part 135	N/A	FAR 119.1

**Note 1:** Pilot may not receive reimbursement, but pilot may log flight time.

**Note 2:** Exemptions cited reflect the current extension (A, B, C, etc.).

Attachment D  
**CAPR 173-3, ATTACHMENT 1, REIMBURSEMENT RATES**

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CAPR 173-3 (C1) ATTACHMENT 1 7 MAY 2010

**Attachment 1 – Aircraft Flying Hour Minor Maintenance Payment Rates**

The rates in this table are calculated from actual reported minor maintenance expenses for CAP aircraft. Many factors, such as aircraft age, Airworthiness Directives, design, and model, affect CAP expenditures for maintenance. These rates are not generally related to engine horsepower because engine expenses are managed under CAP’s major maintenance program. CAP has elected to establish overall fleet rates for only the models of aircraft in the CAP corporate fleet.

Wings participating in the national consolidated maintenance program will not have minor maintenance funds paid to the wing. In addition, the Category “B” and “C” minor maintenance mission funds collected by those wings must be forwarded to NHQ so the funds can be used to maintain the wing’s aircraft.

**Effective 1 June 2010  
 “Dry” Hourly Reimbursement Rates  
 for all sorties flown on or after 1 June 2010**

<b>Manuf</b>	Maule	Cessna	Cessna	Cessna	Gippsland	Cessna	de Havilland	Cessna
<b>Model</b>	MT-7-235	172	182	206	GA-8	182RG	DHC-2	185
<b>Cost/hr</b>	\$29.00	\$29.00	\$37.00	\$48.00	\$38.00	\$52.00	\$74.00	\$52.00

**Notes:**

1. “Basic Hourly Rate” for single-engine corporate or member-owned/furnished aircraft not listed above: \$30.00.
2. Use of single-engine member-owned or member-furnished aircraft must be approved in advance for all missions.
  - a. Use in Air Force assigned missions requires approval by the appropriate Air Force approval authority. It also requires the member to complete an Air Force hold harmless agreement.
  - b. Use in corporate missions requires approval by the wing/region commander or director of operations/director of emergency services.
  - c. Single-engine member-owned or member-furnished aircraft models that have been approved in accordance with this note but are not listed in the table above will be reimbursed at the “Basic Hourly Rate.”
3. The use of all twin-engine aircraft for any mission requires prior approval through the wing/region **and** the appropriate Air Force approval authority (through the National Operations Center.) It also requires the member to complete an Air Force hold harmless agreement. Wings/regions should send requests well in advance to the NOC at opscenter@capnhq.gov. Once approval has been obtained, the NHQ staff will determine the reimbursement rate and notify the wing/region in writing.
4. Aircraft fuel, lubricants, de-icing services, and other mission essential supplies are authorized for participation in Air Force-assigned reimbursable missions and are in addition to the above rates (receipts required).
5. Corporate glider tow aircraft are reimbursed at the appropriate rate for their model classification. Reimbursement for non-corporate glider tows participating in the Cadet

Attachment D  
**CAPR 173-3, ATTACHMENT 1, REIMBURSEMENT RATES (cont'd.)**

CAPR 173-3 ATTACHMENT 1 (CONT'D) 22 DECEMBER 2009

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Glider Flight Orientation Program will be based on the actual cost of the tow (receipts required).

6. Glider maintenance reimbursement will be on an actual cost basis. All maintenance of gliders requires a control number from NHQ CAP/LG prior to repairs being accomplished. Submit receipts for all expenses incurred to NHQ CAP/LG for payment or reimbursement. Electronic copies of original receipts are acceptable. Tail number accounting principles must be followed for gliders.
7. **Aerial Digital Imaging System (ADIS) Rates.** CAP can charge an additional \$65 an hour to operate ADIS but only when supporting missions that are not funded with CAP's annual Congressional appropriation. The money collected for ADIS operation from these missions must be forwarded to NHQ for the systems that NHQ provides to the wings. Wings that have purchased their own ADIS systems may keep the money but must comply with specific program income restrictions. This information can be obtained from NHQ CAP/FM. The hourly charge to operate the ADIS system will begin when the aircraft departs the mission base to execute the ADIS sortie and ends when the aircraft returns to the mission base. The ADIS rate will not be charged on flights to/from the home base and the mission base unless ADIS operation is conducted enroute to the mission base.
8. **Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER) Rates.** CAP will charge an additional \$235 an hour to operate ARCHER but only when supporting missions that are not funded with CAP's annual Congressional appropriation. The money collected for ARCHER operation from these missions must be forwarded to NHQ. The hourly charge to operate the ARCHER system will begin when the aircraft departs the mission base to execute the ARCHER sortie and ends when the aircraft returns to the mission base. The ARCHER rate will not be charged on flights to/from the home base and the mission base unless ARCHER operation is conducted enroute to the mission base.

	<b>Department of Administrative Services</b>	Number 125-7-301
	<b>POLICY MANUAL</b>	Effective Date April 1, 1993
	<b>Issuing Division: Risk Management Division</b>	Approval
	<b>Subject: Aircraft &amp; Pilot Standards</b>	

## I. APPLICABILITY

This policy applies to all state agencies and employees operating aircraft on state business. Take note, this policy applies differently to each of three situations. It contains: (i) requirements for pilot travel reimbursement, (ii) requirements for all pilots of any agency that wishes to qualify for excess liability insurance, and (iii) recommendations, but not requirements, for all others. This policy does not apply to military aircraft, regularly scheduled commercial flights, or to commercial charter services which supply the aircraft and its pilot.

**Special Note: Each agency must file with the Risk Management Division its decision whether to conform to this policy and to qualify for excess liability insurance. Filing its affirmative decision automatically qualifies the agency for the excess coverage. It is the responsibility of the agency to verify its pilots are qualified and all other points of this policy are followed. A form is attached for initial filing. Each year, by August 15, agencies will be asked for its decision in Risk Management Division's Risk Report.**

## II. AUTHORITY

ORS 278.405, OAR 14-030-01 and 14-030-05, FAR Part 1, 61, 67, 91.

## III. DEFINITIONS

- A. **Agency:** Means a board, commission, department, division, institution or branch of the State of Oregon with a unique agency number assigned by the Department of Administrative Services, State Controller's Division, and which is charged Insurance Fund premiums from the Risk Management Division. Soil and Water Conservation Districts within the state of Oregon are included in this definition.
- B. **Airworthiness Certificate:** The certificate issued for the aircraft by the Federal aviation Administration (FAA), attesting to the aircraft's known suitability for safe flight.
- C. **Aircraft:** Used alone, means private, rental or state owned aircraft used for state business.
- D. **Category:** A broad classification of aircraft such as: airplane, rotorcraft, glider and lighter-than-air. **Category** also applies to the grouping of aircraft based upon intended use and operating limitations such as transport, normal, utility, restricted and provisional.
- E. **Class:** A classification of aircraft within a category having similar operating characteristics. Examples are: single engine, multi-engine, land, water, gyro, helicopter, airship and free balloon. With respect to the certification of aircraft, **class** means a broad grouping of aircraft having similar characteristics of propulsion, flight or landing. Examples are: airplane, rotorcraft, glider, balloon, landplane and seaplane.
- F. **Crewmember:** A person with an assigned duty during flight that involves operation of the aircraft or that is otherwise substantially related to the primary purpose of the flight. A crewmember's principal reason for being aboard the aircraft is to perform those assigned duties and not as a passenger.

- G. *Excess Liability Insurance:*** Coverage purchased by the Risk Management Division to pay state agencies' catastrophic liability losses incurred through the piloting of aircraft by state employees on state business. The current policy covers losses beyond the Oregon Tort Claims Act for qualifying agencies to a limit of \$25 million. Losses paid by this insurance do not increase an agency's Insurance Fund liability premiums.
- H. *FAA:*** Refers to Federal Aviation Administration.
- I. *FAR:*** Federal Aviation Regulations.
- J. *Medical Certificate:*** The certificate issued by an Airman Medical Examiner recognized by the FAA that the pilot meets medical standards for the class of Medical Certificate issued.
- K. *Passenger:*** Any person other than pilot or crew and whose principal reason for being aboard the aircraft is transportation.
- L. *Pilot Certificate:*** A certificate issued to a pilot by the FAA, which specifies the privileges, ratings and limitations given to the pilot by the FAA.
- M. *Private Aircraft:*** An aircraft not owned or leased by an agency of the State. Private aircraft does not include regularly scheduled or chartered, commercially piloted aircraft nor military aircraft.
- N. *State Aircraft:*** A non-military aircraft owned, leased or rented by a state agency.
- O. *Travel Reimbursement:*** Any state agency payment to any state employee to reimburse any or all of his or her costs of travel in an aircraft owned, borrowed, or rented by that employee.
- P. *Type:*** A specific make and model of aircraft including modifications that do not change its handling or flight characteristics. When applied to the certification of aircraft, it means those aircraft that are similar in design.

#### IV. GENERAL POLICY

The purpose of this policy manual is to limit the likelihood and the cost of accidents while encouraging the safe and economical use of aircraft for appropriate State business. The policy sets standards for pilots, crew, cargo, passengers, and agencies when aircraft are used on state business.

Agencies are urged, but not required to follow this policy manual for all pilots and aircraft. Agencies and their authorized pilots must follow this policy manual (i) to pay travel reimbursement to any pilot, and (ii) to qualify for agency excess liability insurance.

With regard to the safe use of aircraft on state business, it is the policy of the State of Oregon that:

- A. Only employees who hold a Private, Commercial or Airline Transport Pilot Certificate and meet the pilot requirements of this policy manual may pilot aircraft on state business.
- B. Pilots who carry passengers on state business are required to possess current pilot and medical certificates, have experience in accordance with Federal Aviation Administration Part 61 sub-part E and F, and meet or exceed the "pilot requirements" of this policy manual. See special exception for "training pilots" under (2) **Pilot Qualifications**.
- C. Student pilots are prohibited from piloting any aircraft on state business.
- D. The safe use of aircraft is encouraged whenever flying gives a clear economic benefit to the state. In particular, the fullest use of state-owned aircraft is encouraged.
- E. No training flights will be conducted, with passengers on board, except as provided under the special exception to (2) **Pilot Requirements**.
- F. All cross country flights, require the filing of a VFR (Visual Flight Rules) or IFR flight plan.
- G. Pilots are responsible to comply with all FAA and Aeronautics Division regulations and to keep their certificates, ratings, and records current.
- H. Non-emergency landings may only be made at FAA approved, designated public-use, airports. Pilots renting aircraft must check with the renting entity to confirm terms of the rental agreement

which may further restrict where landings may be made. State Police, Forestry, Emergency Management, Aeronautics and Military departments' aircraft may be operated from non-FAA approved landing areas should the mission require such activities.

- I. Only persons authorized annually in advance and in writing (position description or other) by their agency administrator or designee may pilot aircraft on state business. Agencies must keep a register of authorized pilots.
- J. All cargo must conform to all applicable federal and state laws and rules. Hazardous cargo must be transported by the safest effective means of transportation, not necessarily the cheapest.
- K. Agencies may set more restrictive standards than the minimums contained in this policy.

## V. PILOT REQUIREMENTS

The following qualifications must be met by any pilot seeking travel reimbursement. It must also be met by **all** the pilots of any agency which wishes to qualify for agency excess liability insurance. Pilots must:

- A. Have a current FAA medical certificate.
- B. Have at least a Private Pilot certificate issued by the FAA for the class and category of aircraft to be operated. Non-instrument rated pilots shall be restricted to daytime flight, VFR, conditions only.
- C. Have satisfied FAA biennial flight review requirements.
- D. Have registered their certificate with the Aeronautics Division.
- E. Have a written authorization on file from the agency administrator or designee to pilot aircraft on state business and, if applicable, to carry passengers.
- F. To fly passengers, a pilot must have at least 250 hours logged as pilot-in-command, in category and hold a Commercial Certificate or have at least 500 hours logged and hold a private certificate.

**Special Exception: A licensed pilot who does not have the required commercial license and ratings or lacks required hours as pilot in command, may fly passengers if he or she is engaged in a written training plan under the supervision of a qualified instructor employed by the state or retained at state expense to train the pilot. The written training plan must contain any flight limits or restrictions for the pilot-in-training as set by the instructor. The pilot must have logged at least 250 hours as pilot-in-command.**

- G. To operate complex single-engine piston aircraft, a pilot must have at least 25 hours, pilot-in-command, in an aircraft with retractable gear, variable pitch propeller, turbo-charged engine or pressurized cabin.
- H. To operate a twin-engine piston aircraft, a pilot must hold a commercial multi-engine pilot certificate with current instrument rating. The pilot must have logged 1,500 hours total hours with 100 hours in multi-engine aircraft. For turbine powered, multi-engine aircraft, in addition to the above qualifications, the pilot must also have logged 100 hours in turbine-powered multi-engine aircraft.
- I. For all fixed-wing aircraft, pilots must have logged at least 25 hours in the type of aircraft to be flown (5 in the last 6 months).
- J. To operate a single-engine helicopter with either piston or turbine engine, and with less than 5 passenger capacity, the pilot must hold a commercial pilot certificate with helicopter rating and have logged at least 250 hours in category and type, (50 in the last year). To operate a helicopter with more than 4 passenger capacity, a pilot must have logged at least 1,000 hours in category

and 100 hours in type. Employees whose written description of duties does not require helicopter piloting may not pilot helicopters on state business.

It is recommended, but not required, that the preceding qualifications also be used: (i) by agencies who do not want excess liability insurance and (ii) by agencies which employ pilots wishing to fly private aircraft without expense reimbursement.

## **VI. AIRCRAFT AIRWORTHINESS**

All aircraft, without exception must:

- A. Have a valid standard, utility, or transport, category Airworthiness Certificate, an FAA Registration Certificate, and a current State Aeronautics Division Registration.
- B. Be maintained in working order in compliance with annual inspection criteria and manufacturer's recommendations, or in compliance with a progressive maintenance program, approved by the FAA.

## **VII. PASSENGERS**

Passenger safety is primary in any use of aircraft. No passenger should normally be asked to ride in an aircraft piloted by anyone other than a qualified and proficient pilot.

- A. Passengers must be state officers, employees, or agents on state business. To the extent permitted by law, they may also include state clients when necessary to the client's or the public's health or safety or to the agency's mission.
- B. It is recommended that no more than two top management employees of any agency fly in the same private aircraft.
- C. Passengers should be thoroughly briefed by the pilot before boarding so as not to approach or depart from an aircraft while the engines are running and to insure each wears a seat belt when required and follows all safety directives of the pilot.
- D. No plane with seating for more than 10 passengers may qualify for excess liability coverage.

## **VIII. AGENCY PILOT VERIFICATIONS**

The agency authorizing an employee to pilot an aircraft on state business and paying pilot travel reimbursement or wishing to qualify for agency excess liability insurance must, on an annual basis:

- A. Confirm the pilot has current and medical certificates;
- B. Have the pilot sign a copy of these pilot aircraft standards stating he/she will abide by them;
- C. Maintain a file on each hired, professional pilot and any other pilot within the agency potentially available for piloting aircraft. The file must include, at least, an up-to-date copy of Risk Management Division's pilot history and qualifications form;
- D. Give any other agency supplying air transportation the name and duty status of passengers scheduled for flights on aircraft;
- E. Notify the Risk Management Division in writing (via annual Risk Reports) of its election to comply with (or not to comply with) the provisions of this policy manual required to qualify for excess liability insurance. An agency election to comply, means its flights are covered by insurance. It is the responsibility of the agency to, thereafter, assure that its pilots and flights comply with this policy. (Specific data on pilots and planes is also required.)

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