



## Flight-sharing company Flytenow's appeal rejected by Supreme Court

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An argument that Flytenow—which facilitated flight-sharing between private pilots and passengers by way of an app—was not a “common carrier” was rejected Monday by the U.S. Supreme Court.

The cert petition was denied without comment by the court, [Law.com](#) reports. Private pilots can share flight costs with passengers, but the Federal Aviation Authority in 2014 found that pilots offering their services on the site were acting as a common carriers, which are businesses that offer transportation for a fee and are thus subject to significantly more stringent safety requirements, the [Associated Press](#) reported.

The U.S. Court of Appeals for the District of Columbia Circuit agreed, and [in December 2015](#) it denied Flytenow’s request to overturn the Federal Aviation Administration’s ban on the Web-based service. The agency finding, issued in 2014, also addressed AirPooler, a similar offering.

“Flytenow pilots offer point-to-point transportation by air to interested strangers in exchange for money—the traditional hallmark of a common carrier,” the FAA wrote in a District of Columbia filing.

Flytenow shut down shortly after the 2015 circuit court ruling. Previously, lawyers involved in the case told the [ABA Journal](#) that private pilots often use sites including Facebook, Reddit and Craigslist, as well as bulletin boards at airports where private planes land to find passengers who will split flight fees

“The only differences between Flytenow and the classic college ride-share board is that the car is a plane and the board is much more efficient at reaching people,” states an [amicus brief](#) (PDF) filed by TechFreedom and the Cato Institute. “These differences are legally irrelevant and cannot justify treating these pilots as common carriers even though carpool drivers who coordinate their rides through a bulletin board are clearly not.”