



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

October 31, 2014

Exemption No. 10009C
Regulatory Docket No. FAA-2009-0702

Mr. Stephen Craven
Angel Flight Mid-Atlantic
Airlift Hope of America
Mercy Medical Airlift
4620 Haygood Road, Suite 1
Virginia Beach, VA 23455

Dear Mr. Craven:

This letter is to inform you that we have extended and amended Exemption No. 10009, as amended. It explains the basis for our decision, describes its effect, and lists the revised conditions and limitations.

The Basis for Our Decision

By correspondence entered into the Federal Docket on July 2, 2014, you petitioned the Federal Aviation Administration (FAA) on behalf of Angel Flight Mid-Atlantic, Airlift Hope America, and Mercy Medical Airlift (AF/AH/MM), all § 501(c)(3) charitable organizations, for an extension and amendment of Exemption No. 10009, as amended. That exemption from § 61.113(c) of Title 14, Code of Federal Regulations (14 CFR) allows AF/AH/MM to reimburse its volunteer pilots for fuel costs incurred while conducting charitable flights.

In your correspondence, you requested changes to Exemption No. 10009, as amended. Specifically, you requested that the FAA (1) apply the identical conditions and limitations in Exemption No. 10360B (Angel Flight/New England), except that Condition/Limitation Nos. 1 and 15 be removed, and (2) extend the current relief which covers only flights on which AF/AH/MM clients are transported for medical treatment to include flights to pick up clients and flight to return to the pilot's home base..

The FAA updates and modifies conditions and limitations of its exemptions as they are issued, and the conditions and limitations of Exemption No. 10009, as amended, have been

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updated as requested. The conditions and limitations are now similar to those of Exemption No. 10360B, with the changes in reference to Exemption No. 10009 explained below.

In your petition, you requested the FAA modify the conditions and limitations to allow up to two additional flight legs associated with the transport of the client. The FAA recognizes that a client may refer to an individual or organ(s). The additional legs would be to allow the pilot to depart the home base in order to pick up the client, as well as to return to the home base after transporting the client. The FAA finds that these legs are a necessary and integral part of the charitable medical flight operation, and has amended this exemption in order to allow for AF/AH/MM to reimburse the pilot for fuel costs during these flights.

The FAA expects that the fuel reimbursement will only be provided for those flights that are in fact associated with the pick and drop-off of the client. Therefore, the FAA finds it necessary to add Condition/Limitation Nos. 1 and 2 in order to define flights permitted under this exemption. Condition/Limitation No. 1 adds the definition of a Charitable Medical Flight (CMF) and a Volunteer Pilot Organization (VPO) as adopted from Section 821 of Public Law 112-95. Condition and Limitation No. 2 requires operations conducted under this exemption to be consistent with these definitions.

Previous Condition/Limitation No. 1 has been modified and is now Condition/Limitation No. 3. The purpose for modifying this condition and limitation was for consistency with Condition/Limitation Nos. 1 and 2, and to include repositioning flights. The FAA expects that these repositioning flights will occur to and from the aircraft's home base (i.e., where the aircraft is normally secured), and will be the most direct routing that is practical given airspace, weather, etc. The FAA also expects that for every flight that transports a client, there would be the potential for two additional repositioning flights, consisting of a flight from the home base to the client and a flight back to the home base following client drop-off. However, the FAA has not defined a maximum number of flights in Conditions/Limitations No. 3 in order to not preclude the pilot from landing at an intermediate location if necessary for weather or other unanticipated conditions.

Previous Condition/Limitation No. 2 is now Condition/Limitation No. 4 which requires AF/AH/MM to ensure the proper documentation is maintained and made available upon request to any representative of the FAA.

Previous Condition/Limitation No. 3 is now Condition/Limitation No. 5 and has been modified. The former provisions that specified certain minimum total aeronautical experience have been combined into Condition/Limitation 5(b). Based on feedback from industry, the FAA no longer believes that there needs to be higher total times for either multiengine operations or for turbine powered aircraft. Therefore, the previous Condition/Limitations 3(c) and 3(d) have been removed. The FAA believes that time previously established in single-engine piston aircraft is sufficient for all aircraft types. The reduction in hours for the multiengine and turbine aircraft is found acceptable due to the requirement for 50 hours in the

specific make and model (found in Condition/Limitation 5(b)), as well as the requirements for recent experience (found in Condition/Limitations 5(c) and 5(d)).

Condition/Limitation 5(f) (previously Condition 3(h)) is updated to require an instrument proficiency check within the previous 12 calendar months. This condition and limitation gives the FAA assurance that the annual proficiency checking and testing will include a review of the basic requirements in § 61.57.

Previous Condition/Limitation No. 4 is now Condition/Limitation No. 6 which describes the flight duty, rest, and flight time limitations while operating under this exemption.

Previous Condition/Limitation No. 5 is now Condition/Limitation No. 7 and has been adjusted to reflect appropriate training for charitable medical flight operations. Also, Condition/Limitation No. 7 was updated with a website link to an FAA sample briefing instruction document.

Previous Condition/Limitation No. 6, which describes briefing requirements for certain patients, has been clarified and placed into Condition/Limitation No. 11(f).

Condition/Limitation No. 8 has been added for consistency with Public Law 112-95, Section 821(a)(2).

Condition/Limitation No. 10 has been amended to remove the requirement that all maintenance must be performed by a certificated mechanic, repairman, or repair station. This amendment is in response to feedback from the charitable medical flight industry. The FAA finds that it would be acceptable for a pilot who meets the criteria of § 43.3(g) to perform preventative maintenance (described in Appendix A to part 43) on an aircraft covered under this exemption.

Condition/Limitation No. 10 is also amended to remove the specific requirement for engine, propeller, and component overhaul requirements. The FAA recognizes the volunteer nature of these operations and that it may not be practical for the owner/operator to conduct an engine, propeller, or component overhaul at the manufacturer's recommended interval. The FAA has amended this condition and limitation to reflect more appropriate maintenance requirements for the operations conducted under this exemption.

Previous Condition/Limitation No.13 is now Condition/Limitation No. 11 and has been adjusted for clarification and standardization with similarly granted exemptions. In addition, Condition/Limitation 11(a) is adjusted to clarify when an IFR flight plan may be cancelled. The previous Condition/Limitations No. 11(d) has been removed to allow for a circling approach based on IPC requirements found in 5(f). Condition/Limitation 11(e) has been adjusted for conformance with approach landing minimums described in 11(c).

Previous Condition/Limitation No. 12 has been absorbed into Condition/Limitation No. 1 for consistency with Public Law 112-95 Section 821(c).

Previous Condition/Limitation No. 14 is now Condition/Limitation No. 12 and has been modified to require a risk assessment tool that is more appropriate for a CMF operation. AF/AH/MM is now required to identify a risk value that, if exceeded, would require a pilot to cancel or postpone a flight. Further, AF/AH/MM is now required to retain completed risk assessment tools for a minimum of 30 days instead of three days.

The previous Condition/Limitation No.7, which required AF/AH/MM to establish an initial pilot training program, has been moved to Condition/Limitation No. 13 and has been adjusted to reflect appropriate training for CMF operations.

Previous Condition/Limitation No. 8 is now Condition/Limitation No. 14 has been amended to require AF/AH/MM's recurrent training program to contain the elements of AF/AH/MM's initial pilot training program.

Previous Condition/Limitation Nos. 15 and 16 have been amended and combined into Condition/Limitation No. 15. Condition/Limitation No. 15 requires that AF/AH/MM receives FAA acceptance for its risk assessment tool (required by Condition/Limitation No. 12) and its initial and recurrent ground training programs (required by Condition/Limitation Nos. 13 and 14).

Previous Condition/Limitation No. 11 is now Condition/Limitation No. 17 and is modified for consistency with similarly granted exemptions.

Condition/Limitation No. 18 was added for consistency with similarity granted exemptions and allows the FAA to conduct inspections of the pilots, aircraft, or records associated with this exemption.

You requested that Condition/Limitation No.15 as found in Exemption No. 10360B not be included in this exemption. That condition and limitation is listed as Condition/Limitation No. 16 in this exemption. The FAA finds that the requirement in Condition/Limitation No. 16 is justified, and compliance is not unreasonably complicated or expensive. We find it is appropriate for AF/AH/MM to obtain objective evidence that the aircraft engaged in operations under its exemption comply with the basic airworthiness requirement of § 91.409. The FAA notes that this record, and other records required to be kept under this exemption, may be transmitted and maintained electronically.

Our Decision

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Angel Flight Mid-Atlantic, Airlift Hope of America, and Mercy Medical Airlift, an exemption from 14 CFR § 61.113(c) to the extent

necessary to allow for reimbursement of its volunteer pilots for fuel costs incurred in conducting charitable flights, subject to the following revised conditions and limitations.

Conditions and Limitations

1. Definitions:
 - a. Charitable Medical Flight (CMF): A flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals), if the aircraft owner or operator has volunteered to provide such transportation.
 - b. Volunteer Pilot Organization (VPO): An organization that:
 - i. is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code;
 - ii. is organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.
2. Before exercising the privileges of this exemption, AF/AH/MM must ensure it meets the definition of a VPO and that the flight meets the definition of a CMF.
3. This exemption may be exercised only for CMFs conducted by AF/AH/MM. A CMF includes flights that are intended to reposition the aircraft to the client pick-up location, as well as reposition the aircraft following the client drop-off. Repositioning flights must be from the aircraft home base to and from the point of client pick-up/drop-off location by the most practical route.
4. AF/AH/MM must ensure the following items are available to any representative of the FAA Administrator, upon request:
 - a. A detailed description of AF/AH/MM's process for verification of pilot qualification and training. This process must include a means to verify pilots' qualifications to act as pilot-in-command (PIC) prior to each flight;
 - b. Documentation showing all AF/AH/MM pilots' flight experience, airman certificate information, and currency of FAA medical certificate;
 - c. Documentation from each pilot showing that at the time he/she accepts a CMF under this exemption, he/she meets all minimum standards and appropriate currency requirements established by AF/AH/MM, part 61, and all conditions and limitations of this exemption; and
 - d. Documentation of each flight and reimbursement containing the following information, at a minimum:
 - i. Name and pilot certificate number of the PIC;
 - ii. Name and identifier of the departure and arrival airports;

- iii. Name of all occupants of the airplane excluding the PIC;
 - iv. Date and time of departure and arrival; and
 - v. Amount of the fuel reimbursement.
- e. All the documentation required under Condition/Limitation No. 3 must be maintained by AF/AH/MM for a minimum of 24 calendar months.
5. All pilots operating under the terms of this exemption must possess the following certificates, qualifications and aeronautical experience —
- a. An instrument rating or ATP certificate that is appropriate to the aircraft being flown;
 - b. A minimum total time of 500 hours, with no less than 400 hours as PIC, and a minimum of 50 hours in the specific make and model of the aircraft being flown;
 - c. A minimum of 50 hours as PIC must have been logged within the preceding 12 calendar months immediately preceding the month of the flight;
 - d. A minimum of 12 hours flown and logged within the preceding 3 calendar months prior to the month of flight. In lieu of this requirement, a pilot may have logged 2 hours of flight training with a certificated flight instructor within the preceding 3 calendar months prior to the month of the flight;
 - e. A second-class medical certificate (per §§ 61.23(d)(2)(i) and 61.2);
 - f. Within the preceding 12 calendar months, an instrument proficiency check (IPC) meeting the requirements of § 61.57(d). The IPC must be conducted in accordance with the Instrument Rating Practical Test Standards. This requirement can be substituted by a FAA practical test for an ATP certificate or instrument rating.
 - g. A current flight review (per § 61.56(a)) in the same aircraft category, class, and type (if a type rating is required) being flown;
 - h. Meets the recent flight experience requirements of § 61.57(c) or (d), as appropriate, in the same aircraft category, class, and type (if a type rating is required) being flown;
 - i. For all operations under this exemption, the pilot must meet the recent flight experience requirements for night operations (per § 61.57 (b)) in an aircraft of the same category, class, and type (if a type rating is required).
6. All operations under this exemption must be in compliance with the following flight duty, rest, and flight time limitations (a duty day starts when the pilot arrives at the

airport and begins preparation for the flight and terminates upon completion of the post flight inspection of the aircraft):

- a. No pilot may fly more than 8 hours of flight time (per § 61.1) within any 24-consecutive-hour duty day period;
 - b. No pilot may perform a duty day in excess of 12 consecutive hours; and
 - c. Once the pilot has performed 12 consecutive hours of duty, the pilot must rest a period of at least 12 hours before conducting any other CMF.
7. Prior to each takeoff, the PIC must ensure that all occupants have been orally briefed on the following:
- a. The flight is being permitted under this grant of exemption and that the operator is not a certificated commercial operator;
 - b. When, where, and under what conditions smoking is allowed;
 - c. Use of safety belts, shoulder harnesses, and child restraint systems: When, where, and under what conditions it is necessary to fasten passenger safety belts and, if installed, shoulder harnesses;
 - d. The placement of seat backs in an upright position before takeoff and landing;
 - e. Location and means for opening the passenger entry door and emergency exits;
 - f. Location of survival equipment;
 - g. Use of normal and emergency oxygen installed; and
 - h. Location and operation of fire extinguishers.

An FAA sample briefing instruction document can be found at

<https://www.faa.gov/files/gslac/library/documents/2007/Jan/14082/6.5%20Passenger%20Safety%20Briefing%20JanFeb07.pdf>.

8. AF/AH/MM must implement procedures to notify the passengers (or their legal guardians) that will be on the flight that the flight operation is for charitable purposes and is not subject to the same FAA requirements as a commercial flight. These procedures must allow for the notification to be given as early as possible to the passengers (or their legal guardians). Such notification must also be provided to any individual that inquires about receiving or scheduling a CMF.
9. Each aircraft operated under this exemption must have a standard airworthiness certificate.
10. The aircraft must be maintained and inspected in accordance with 14 CFR part 91 Subpart E, 14 CFR part 43, or other inspection programs approved by the FAA.

11. All pilots operating under this exemption must comply with the following requirements:
- a. All flights operated under this exemption must activate an IFR flight plan. The earliest the flight plan may be canceled is upon visual contact with the destination airport;
 - b. For flights in instrument meteorological conditions (IMC), each pilot may only use airports that have a functioning, published, precision approach procedure;
 - c. Pilot must add 100 feet and ½ mile to all instrument approach minimums;
 - d. Pilot must add 50 percent to pilot operating handbook (POH) runway length performance for obstacle clearance on takeoff and landing under ambient conditions;
 - e. For IMC takeoff minimums, the pilot must ensure that the weather meets approach landing minimums with the additional margin noted in Condition/Limitation 11 (c) (Example: If the Baltimore-Washington International Airport minimums are 200/1/2, then the takeoff minimums will be at least 300 feet and 1 statute-mile visibility);
 - f. Prior to each takeoff, the PIC must ensure that patients, who may need the assistance of another person to exit the aircraft if an emergency occurs, has received a briefing as to the procedures to be followed if an evacuation occurs;
 - g. Pilots will utilize and brief passengers that a sterile cockpit procedures as defined under § 135.100.
12. AF/AH/MM must develop and implement a preflight risk assessment tool. The tool must be completed by the PIC before each flight and must be transmitted to AF/AH/MM prior to takeoff for any flight operated under this exemption. The completed tool must be retained by AF/AH/MM for a minimum of 30 days. AF/AH/MM must identify a maximum score flight value, or other appropriate measure, that is permissible for a flight to be initiated under this exemption. Sample risk assessment tools are available from the following sources:
- i. FAA Information for Operators (InFO) 07015:
http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/media/2007/info07015.pdf.
 - ii. The AOPA Flight Risk Evaluator: (<http://flash.aopa.org/asf/flightrisk/>)

The FAA recognizes that any sample tool should be modified to adequately address the risk for general aviation aircraft and AF/AH/MM's specific operation. As an example, the sample risk assessment scores icings when it is moderate to severe. However, for general aviation aircraft, known icing conditions of any value should be grounds for cancellation of a flight or postponement. The FAA recommends that the probability of icing should receive a risk value score.

13. AF/AH/MM must develop and implement an initial ground training program that includes the following:
 - a. AF/AH/MM flight locating procedures;
 - b. Principles and methods for determining weight and balance, and runway limitations for takeoff and landings;
 - c. Normal and emergency communication procedures;
 - d. Completion of the online AOPA Foundation Air Safety Institute Course: *Public Benefit Flying: Balancing Safety and Compassion*; and,
 - e. Completion of the online AOPA Foundation Air Safety Institute Course: *Single Pilot IFR*.
 - f. Informing the pilot of where a copy of this exemption can be located and requiring the pilot to become familiar with the conditions and limitations.

14. Recurrent training is required for all pilots operating under this exemption. The annual recurrent training program must include verification that each pilot is adequately trained, current, and proficient on all of the elements in the AF/AH/MM initial pilot training program described in Condition/Limitation No. 13.

15. AF/AH/MM may not exercise the privileges of this exemption unless AF/AH/MM receives verification indicating acceptance of the AF/AH/MM risk assessment tool (Condition/Limitation No. 12) and the initial and recurrent ground training program (Condition/Limitation Nos. 13 and 14) from the FAA General Aviation & Commercial Division (AFS-800). This document may be sent to the FAA Airman Certification and Training Branch, 800 Independence Ave SW, Washington DC 20591 or via e-mail to 9-AFS-800-Correspondence@faa.gov.

16. AF/AH/MM must maintain a copy of the aircraft logbook entry for the most recent annual inspection of any aircraft used to conduct flights under this exemption.

17. All flights operated under this exemption must remain within domestic United States airspace.

18. The FAA may, at any time or place, conduct inspections of the pilots, aircraft, and any records required to be kept in accordance with this exemption.

The Effect of Our Decision

This exemption terminates on October 31, 2016, unless sooner superseded or rescinded.

Sincerely,

/s/

John Barbagallo

Acting Deputy Director, Flight Standards Service