U.S. Department
of Transportation
**Federal Aviation
Administration**

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

Oct 08 2010

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

Mr. Stephen Craven
Chairman, Angel Flight Mid-Atlantic
Mr. Stephen Patterson
Vice Chairman, Airlift Hope of America
Mr. Edward R. Boyer, P.E.
President/CEO, Mercy Medical Airlift
4620 Haygood Road, Suite 1
Virginia Beach, VA 23455

Dear Messrs. Craven, Patterson, and Boyer:

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

The Basis for Our Decision

On February 26, 2010, the Federal Aviation Administration (FAA) issued Exemption No. 10009. That exemption from § 61.113(c) of Title 14, Code of Federal Regulations (14 CFR) allows Angel Flight Mid-Atlantic, Airlift Hope of America, and Mercy Medical Airlift (Angel Flight, Airlift Hope, and Mercy Medical), to reimburse its volunteer pilots for fuel costs incurred in conducting charitable flights.

Our Decision

On April 19, 2010, an exemption holder of a similar exemption met with representatives of the FAA regarding its exemption. Based on the comments provided by that exemption holder during the discussion (a copy of which is included in Regulatory Docket No. FAA-2009-0709), the FAA has reevaluated and revised the conditions and limitations of the exemption,

where appropriate, to clarify original content, list existing operational practices, and, more appropriately, define the intent of safety-related aspects of these types of exemptions.

Under the authority contained in 49 U.S.C. §§ 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.

1. The exemption holder must have in place the following:
    a. A structured and documented pilot registration process that has an annual renewal requirement and ensures that only qualified pilots who are registered and trained before conducting charitable flights. This process must include a means to verify registration prior to flight;
    b. On-file documentation authenticating registered pilots' experience, ratings, FAA physical, and any other information pertinent to the pilots' qualifications;
    c. A system that registers the pilot's assertion, at the time he/she accepts a flight to accomplish, that he/she meets all minimum standards and appropriate currency requirements established by the FAA and all conditions and limitations set forth in this exemption, and will conduct the flight in accordance with all applicable Federal regulations; and
    d. A file of all flight and reimbursement records that must be made available to the FAA for viewing at a designated office site location. Records shall be kept a minimum of 2 years.
2. The FAA may, at any time or place, conduct inspections of the pilot(s) and aircraft being flown in accordance with this exemption.
3. All pilots must possess the following qualifications and aeronautical experience, as appropriate:
    a. Must hold an instrument rating or privilege (i.e., instrument privilege relates to the airline transport pilot certificate) that is appropriate to the aircraft being flown;
    b. For the operation of any single-engine piston aircraft, the pilot shall have a minimum total time of 500 hours, with no less than 400 hours as pilot in command (PIC), and a minimum of 50 hours in the specific make and model of single-engine aircraft being flown;
    c. For the operation of any multiengine aircraft, a minimum total time of 1,000 hours as PIC, a minimum of 250 hours in multiengine aircraft, and a minimum of 50 hours in the specific make and model of multiengine aircraft being flown;

d. For the operation of any turbine-powered aircraft, a minimum total time of 1,000 hours as PIC, a minimum of 100 hours in turbine-powered aircraft, and a minimum of 50 hours in the specific make and model of turbine-powered aircraft being flown;

e. A minimum of 50 hours as PIC shall have been flown and logged within the preceding 12 calendar months immediately preceding the month of the flight;

f. Minimum of 12 hours flown and logged, or 2 hours of dual flight training with a certificated flight instructor, within the preceding 3 calendar months prior to the month of the flight;

g. Must hold a 2nd class medical certificate (per §§ 61.23(d)(2)(i) and 61.2);

h. Must have a current flight review (per § 61.56(a)) in the same aircraft category, class, and type (if a type rating is required) being flown;

i. Shall be instrument-current (per § 61.57(c) or (d), as appropriate) in the same aircraft category, class, and type (if a type rating is required) being flown;

j. Within the preceding 3 calendar months prior to the flight, the pilot(s) must have logged at least three takeoffs and three landings to a full stop in the same aircraft category, class, and type (if a type rating is required) being flown. However, this condition may be accomplished by logging at least three takeoffs and three landings to a full stop at night within the preceding 3 calendar months in the same aircraft category, class, and type (if a type rating is required) being flown; and

k. For all operations under this exemption the pilot must be current for night operations (per § 61.57 (b)) in an aircraft of the same category, class, and type (if a type rating is required).

4. Flight duty, rest, and flight time limitations:

   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. (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 of the aircraft); 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 another flight.

5. Passenger and medical crew briefing requirements: Prior to each takeoff, the PIC must ensure that all passengers 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. Smoking*:* 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 have his or her safety belt and, if installed, his or her shoulder harness fastened about him or her;

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;

h. Location and operation of fire extinguishers; and

i. Prior to each takeoff, the PIC must ensure that the patient, 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.

6. Pilot training: The exemption holder must establish an initial pilot training program that includes the following elements. All pilots must complete this training program prior to conducting flights under this grant of exemption.

    a. Risk, hazard identification.

    b. Accident trends and factors for general aviation fixed wing under 12,500 pounds.

    c. Current edition of the Airline Owners and Pilot Association Air Safety Foundation Nall Report.

    d. High risk phases of flight.

        i. Takeoff and climb.

        ii. Takeoff stall/settling.

        iii. Loss of airspeed resulting in nonrecoverable stall or sink rate.

        iv. Loss of control.

        v. Crosswinds/other conditions leading to loss of directional control.

    e. Maneuvering.

        i. Stall or loss of control.

        ii. Loss of airspeed resulting in stall/spin.

    f. Descent/approach: Beginning of descent from cruise altitude to missed approach point or runway threshold.

    g. Stalls/spins.

    h. Loss of airspeed.

    i. Collisions with objects, terrain.

j. Loss of engine power.
k. Carburetor icing (if appropriate, for the aircraft the pilot is assigned to fly).
l. Incorrect fuel mixture.
m. Wind gusts or wake turbulence.
n. Landing.
    i. Loss of directional control.
    ii. Crosswinds.
    iii. Inadequate airspeed control.
    iv. Stalls, hard landing, short-long touchdown.
    v. Runway conditions.
    vi. Runway contamination.
o. Flight planning and decisionmaking--
    i. Flight planning.
    ii. Improper pre-flight planning.
    iii. Insufficient fuel reserves.
    iv. Inadequate in-flight monitoring of ground speed.
    v. Systems operation.
    vi. Improper operation of fuel system.
    vii. Fuel contamination.
    viii. Improper fueling.
    ix. Weather.
    x. Continued visual flight rules into instrument meteorological conditions.
    xi. Deficient instrument flight rules (IFR) technique.
    xii. Failure to follow appropriate IFR procedures.
    xiii. Descending below minimum descent altitude on approach.
    xiv. Thunderstorm.
    xv. Flying too close or penetrating turbulence.
    xvi. High winds.
    xvii. Mountainous terrain.
    xviii. Icing.
    xix. Loss of lift and performance.

xx. Instrument malfunction.

p. Other factors --

i. Single pilot IFR.

ii. Night operations at unfamiliar airports.

iii. Mission mentality.

iv. Pressure to complete flight operations.

v. Distractions.

vi. Missed approach/go around.

vii. Incomplete/stale weather briefings.

viii. Communications processes, decisions, and coordination, to include communication with air traffic control and passengers.

ix. Workload and time management.

x. Situational awareness.

xi. Effects of fatigue on performance, avoidance strategies and countermeasures.

xii. Effects of stress and stress reduction strategies.

xiii. Aeronautical decisionmaking and judgment.

7. Recurrent training: An annual recurrent training program must ensure:

a. The pilot remains adequately trained, current, and proficient regarding all of the elements contained in the exemption holder's training program;

b. Recurrent training must include testing to determine the crewmember's knowledge of the aircraft and the exemption holder's program; and

c. Recurrent flight training sufficient to satisfactory completes the recurrent proficiency flight check.

8. Aircraft requirements: Each aircraft must have a standard airworthiness certificate.

9. Aircraft maintenance: All maintenance must be performed by a certificated mechanic, repairman, or repair station. Aircraft components must be overhauled prior to reaching manufacturer's recommended time between overhaul.

10. Areas of operations: All flights must remain within domestic United States airspace.

11. All pilots must adhere to the following best practices policies of the exemption holder which are:

a. In instrument meteorological conditions (IMC) conditions, each pilot must plan to land at airport with a precision approach;

b. Each pilot must add 100 feet to all instrument approach minimums;

c. For night landings, the pilot shall use runways with functional vertical guidance (visual approach slope indicator, precision approach path indicator, instrument flight system);

d. Pilot will not attempt circling approaches at night;

e. Add 50 percent to pilot operating handbook runway length performance to clear the obstacle for takeoff and landing under ambient conditions;

f. For IMC takeoff minimums, the pilot must apply 50 percent above the approach landing minimums. (Example: Baltimore-Washington International Airport minimums 200/1/2, then the takeoff minimums will be at least 300 feet and 3/4-statute-mile visibility);

g. If destination is unfamiliar, the pilot must obtain briefing from a pilot or fixed base operator with experience with that airport prior to flight;

h. Pilots are requested to use nonpunitive report process to communicate any and all situations when safety of flight was compromised;

i. Pilots are requested to provide feedback on weather, airports, air traffic control, other pilots, etc., that could compromise safety for future flights;

j. The pilot must ensure that all passengers are restrained by FAA-approved seat belts or FAA-approved child safety seat. The only exception shall be change of seat positions, quick access to luggage, care and/or feeding of child, or use of lavatory;

k. Pilots will consult all available weather products, wind sock, etc., to verify departure will be from the correct runway relative to wind conditions;

l. Pilots will utilize computer devices and reading material only as these are pertinent to safe operation of the flight and will refrain from any and all distractions that could compromise safety of flight; and

m. Pilots will utilize and brief passengers that a sterile cockpit condition exists during taxi and takeoff until reaching cruise altitude and also during descent from cruise altitude, descent, approach, landing, and taxi to ramp.

12. Pilots must complete and adhere to the Go/No-Go checklist, patient, passenger, co-pilot release forms, and post-flight report. The Go/No-Go checklist will consist of at least the following information:

Pilot Go/No-Go Checklist

	EXCELLENT	OK	MARGINAL	POOR
Pilot				
Physical health	□	□	□	□
Mental health	□	□	□	□
Prepared/Confident	□	□	□	□
Well rested	□	□	□	□
Aircraft				
Maintenance	□	□	□	□
Fuel reserve	□	□	□	□
Pre-flight	□	□	□	□
Equipment sufficient for the flight conditions	□	□	□	□
Weight and balance	Takeoff weight/CG_____ Landing weight/CG_____			
Weather				
Current & WX Forecast Conditions	□	□	□	□
Departure	□	□	□	□
Destination	□	□	□	□
Return	□	□	□	□

Explain if Marginal or Poor:

_____

_____

_____

_____

Other

	YES	NO
Child safety seat	___	___
Passengers briefed	___	___
Pre-departure weather briefing	___	___
Verify departing on correct runway	___	___
Release forms signed	___	___

Flight # _____

Pilot Signature_____

Date _____

The checklist must be provided to the exemption holder or left with a responsible person, such as a fixed base operator, prior to conducting a flight under this exemption. The completed checklist must be retained for three days.

13. Flight locating procedures required: The pilot must file and activate an IFR flight plan for each flight. The flight plan may be canceled upon acceptance of a visual approach clearance from air traffic control.

The Effect of Our Decision

The termination date of Exemption No. 10009 remains October 31, 2012, unless sooner superseded or rescinded. This letter must be attached to, and is a part of, Exemption No. 10009.

Sincerely,

/s/
Raymond Towles
Acting Director, Flight Standards Service