



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

January 30, 2013

Exemption No. 10513A
Regulatory Docket No. FAA-2011-1070

Mr. Alan M. Hoffberg
Board Secretary/Director
Angel Flight Southeast, Inc., and
Mercy Flight Southeast
8864 Airport Boulevard
Leesburg, FL 34788

Dear Mr. Hoffberg:

This letter is to inform you that we have amended Exemption No. 10513. It explains the basis for our decision, describes its effect, and lists revised conditions and limitations.

The Basis for Our Decision

On April 19, 2012, the Federal Aviation Administration (FAA) issued Exemption No. 10513 to Angel Flight Southeast, Inc. and Mercy Flight Southeast, Inc. (AFSE/MFSE). That exemption from § 61.113(c) of Title 14, Code of Federal Regulations (14 CFR) allows AFSE/MFSE to reimburse its volunteer pilots for fuel costs incurred while conducting charitable flights.

Our Decision

The FAA has made some updates to the conditions and limitations of Exemption No. 10513 that clarify our original content and to refine our requirements. While the relief does not change substantially, all users of the exemption should thoroughly review the revised conditions and limitations. These new conditions and limitations match those contained in grants of exemption issued to similarly situated organizations.

AFS-13-141-E

In this amendment, we updated Condition/Limitation 3(h) to require an instrument proficiency check or flight review within the previous 12 calendar months. This condition/limitation gives the FAA assurance that annual proficiency checking and testing (required in Condition/Limitation 8) will include a review of the basic requirements in §§61.56 or 61.57.

Condition/Limitation 7 (topics for the required initial pilot training program) has been modified to remove some redundant topics that are already covered in private pilot practical test standards and in required § 61.57 flight reviews.

Condition/Limitation 15 requires a transition to a preflight risk assessment tool, replacing the Pilot Go/No-Go Checklist. We made this change because we feel the preflight risk assessment tool offers a more effective evaluation of the pilots' readiness for flight. We are providing 12 months to complete this transition.

Condition/Limitation 16 requires a transition to an initial and recurrent ground training program based on the requirements of § 135.345. We made this change because we feel these ground training themes (for air-taxi operations) are more comparable to your operation. We are providing 12 months to complete this transition.

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 Southeast, Inc. and Mercy Flight Southeast, Inc., 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. The privileges of this exemption are limited to flights directly operated by AFSE/MFSE only. Operations where the AFSE/MFSE clients are not onboard for the purpose of obtaining medical care may not be operated under the terms of this exemption.
2. AFSE/MFSE must ensure the following items are available to any representative of the FAA Administrator, upon request:
 - a. A detailed description of AFSE/MFSE'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 AFSE/MFSE 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 flight under this exemption, he/she meets all minimum standards and appropriate

currency requirements established by AFSE/MFSE , 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 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;
 - v. Amount of fuel reimbursement.
 - e. All the documentation required under Condition No. 2 must be maintained by AFSE/MFSE for a minimum of 24 calendar months.
3. All pilots operating under the terms of this exemption must possess the following certificates, qualifications, and aeronautical experience:
- a. An instrument rating or privilege (instrument privilege relates to the airline transport pilot certificate) that is appropriate to the aircraft being flown;
 - b. For operating any single-engine piston aircraft, a minimum total time of 500 hours, with no less than 400 hours as PIC, and a minimum of 50 hours in the make and model of single-engine aircraft being flown;
 - c. For operating any multiengine aircraft, a minimum total time of 1,000 hours as PIC in any aircraft, a minimum of 250 hours in multiengine aircraft, and a minimum of 50 hours in the make and model of multiengine aircraft being flown;
 - d. For operating any single- or multiengine 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 make and model of turbine-powered aircraft being flown;
 - e. A minimum of 50 hours as PIC shall have been logged within the preceding 12 calendar months immediately preceding the month of the flight;
 - f. A minimum of 12 hours logged, or 2 hours of flight training with a certificated flight instructor, within the preceding 3 calendar months prior to the month of the flight;
 - g. A 2nd class medical certificate (per §§ 61.23 and 61.2);
 - h. Within the preceding 12 calendar months, an instrument proficiency check (IPC) meeting the requirements of § 61.57(d), or a flight review meeting the requirements found in § 61.56(a). The IPC or flight review must consist of at

least 1 hour of flight training and 1 hour of ground training. This requirement can substituted by a FAA practical test for any pilot certificate or rating.

- i. A current flight review (per § 61.56(a)) in the same aircraft category, class, and type (if a type rating is required) being flown;
 - j. Instrument currency (per § 61.57(c) or (d), as appropriate) in the same aircraft category, class, and type (if a type rating is required) being flown;
 - 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. All operations under this exemption must be in compliance with the following flight duty, rest, and flight time limitations:
- a. No pilot may fly more than 8 hours of pilot 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 inspection of the aircraft); and
 - c. In the 24 hours preceding any flight under this exemption, the pilot must have had a rest period of at least 12 hours.
5. Prior to each takeoff, the PIC must ensure that all passengers have been briefed on the following:
- a. The flight is operated under this grant of exemption and that the operator is not an FAA-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 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 normal and emergency egress;
 - f. Location of survival equipment;
 - g. Use of normal and emergency oxygen, if installed; and
 - h. Location and operation of fire extinguishers.
6. 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. This paragraph

does not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft.

7. AFSE/MFSE 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 and hazard identification with special emphasis on loss of control during critical phases of flight and controlled flight into terrain.
 - b. Accident trends for general aviation aircraft.
 - c. Flight planning and aeronautical decision-making:
 - i. Improper pre-flight planning.
 - ii. Insufficient fuel reserves.
 - iii. Aircraft systems.
 - iv. Improper operation of fuel system.
 - v. Fuel contamination.
 - vi. Improper fueling.
 - vii. Weather and continued visual flight rules into instrument meteorological conditions.
 - viii. Descending below minimum descent altitude on approach.
 - ix. Mountainous terrain.
 - x. Icing.
 - d. 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.

- xii. Effects of stress and stress reduction strategies.
 - xi. Effects of fatigue on performance, avoidance strategies and countermeasures.
8. Recurrent training is required for all pilots operating under the terms of this exemption. The annual recurrent training program must include:
 - a. Verification that each pilot is adequately trained, current, and proficient on all of the elements in the AFSE/MFSE initial pilot training program, and;
 - b. Testing to determine each pilot's aeronautical knowledge, proficiency with the aircraft, and the limitations of this exemption.
 9. Each aircraft operated under this exemption must have a standard airworthiness certificate.
 10. All maintenance conducted on aircraft operated under this exemption must be performed by an FAA-certificated mechanic, repairman, or repair station. The aircraft engine, propeller, and all components must be overhauled prior to reaching the airframe, engine, or propeller manufacturer's recommended time between overhaul.
 11. This exemption applies to flights conducted within domestic United States airspace. AFSE/MFSE may exercise this relief for overflights within the territory and airspace of a foreign country only with the specific permission of the foreign civil aviation authority.
 12. AFSE/MFSE must continue to hold a determination from the U.S. Internal Revenue Service that it is a § 501(c)(3) nonprofit, tax-exempt, charitable organization under §§ 509(a)(1) and 170(b)(1)(a)(vi) of the Internal Revenue Code.
 13. 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 acceptance of a visual approach clearance from air traffic control;
 - b. For flights in instrument meteorological conditions (IMC), each pilot may only use airports that have a functioning, published, precision approach procedure;
 - c. Pilots must add 100 feet to all instrument approach minimums;
 - d. All circling approaches at night are prohibited;
 - e. Pilots must add 50 percent to pilot operating handbook (POH) runway length performance for obstacle clearance on takeoff and landing under ambient conditions;
 - f. For IMC takeoff minimums, the pilot must use 150 percent 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. The pilot must ensure that all passengers are restrained by FAA-approved seat belts or FAA-approved child safety seat at all times during the flight. The only exception shall be change of seat positions, quick access to luggage, care and/or feeding of child, or use of lavatory;
 - h. Pilots will utilize and brief passengers on sterile cockpit procedures as defined under § 135.100;
 - i. Pilots will document their weight and balance calculation prior to each flight.
14. Pilots must use the AFSE/MFSE Go/No-Go checklist, patient, passenger, pilot release forms, and post-flight report. The completed checklist must be transmitted to AFSE/MFSE prior to conducting a flight under this exemption. The completed checklist must be retained by AFSE/MFSE for a minimum of three days. The Go/No-Go checklist will consist of at least the following information:

Pilot Go/No-Go Checklist

	<u>EXCELLENT</u>	<u>OK</u>	<u>MARGINAL</u>	<u>POOR</u>
<u>Pilot</u>				
Physical health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prepared/Confident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well rested	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Aircraft</u>				
Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fuel reserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pre-flight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equipment sufficient for the flight conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weight and balance	Takeoff weight/CG _____			
	Landing weight/CG _____			
<u>Weather</u>				
Current & WX Forecast Conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Departure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Destination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Return	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain if Marginal or Poor:

Other

	<u>YES</u>	<u>NO</u>
Child safety seat	_____	_____
Passengers briefed	_____	_____
Pre-departure weather briefing	_____	_____
Release forms signed	_____	_____

Flight # _____

Pilot Signature _____

Date _____

- AFSE/MFSE must develop and implement a preflight risk assessment tool to supplement or replace the Go/No-Go checklist within 12 calendar months of the date of issue of this exemption. Once implemented, use of the preflight risk assessment tool will supersede the requirements of Condition No. 14. The tool must be completed by the PIC before each flight and must be transmitted to AFSE/MFSE prior to takeoff for any flight operated under this exemption. The completed tool must be retained by AFSE/MFSE for a minimum of three days. A sample risk assessment tool is available at 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.

16. Within 12 calendar months of the date of issue of this exemption. AFSE/MFSE must develop and implement an initial and recurrent ground training program that contains the requirements of § 135.345 that are applicable to the AFSE/MFSE operations. This program will supplement or replace the requirements of Condition No. 7. Once implemented, use of the new initial and recurrent training program will supersede the requirements of Condition No. 7.
17. AFSE/MFSE must ensure that the latest version of its preflight risk assessment tool (Condition No. 15) and the initial/recurrent ground training program (Condition No. 7 and 16) are 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/AWA/FAA. These two documents must be clearly labeled to identify the most current version.

The Effect of Our Decision

The termination date remains April 30, 2014, unless sooner superseded or rescinded.

Sincerely,

/s/

John M. Allen
Director, Flight Standards Service