

Angel Flight NE FAA Fuel Waiver Extension 10360C

**This exemption terminates on June 30, 2017 unless sooner superseded or rescinded.
It supersedes Exemption No. 10360A.**

1. - 3. Angel Flight NE Requirements

PILOT REQUIREMENTS: Conditions and Limitations

4. **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 the flight. In lieu of this requirement, a pilot may have logged 2 hours of flight training with a certified flight instructor within the preceding 3 calendar months prior to the month of the flight;
 - e. A second - class medical certificate (per FAA Part 61.23(d)(2)(i) and 61.2);
 - f. Within the preceding 12 calendar months, an instrument proficiency check (IPC) meeting the requirements of FAA Part 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 FAA Part 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 FAA Part 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 pilots must meet the recent flight experience requirements for night operations (per FAA Part 61.57 (b) in an aircraft of the same category, class, and type (if a type rating is required).
5. **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 of the aircraft):**
 - a. No pilot may fly more than 8 hours of flight time (per FAA 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 another flight.

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6. **Prior to each takeoff, the PIC must insure 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 certified 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 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.faasafety.gov/files/gslac/library/documents/2007/Jan/14082/6.5%20Passenger%20Safety%20Briefing%20JanFeb07.pdf>

7. **AFNE must implement procedures to notify the passengers** (or their legal guardians) 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 charitable medical flight.
8. **Each Aircraft operated under this exemption must have a standard airworthiness certificate.**
9. **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.
10. **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 cancelled 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 1/2 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;

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10.
 - e. For IMC takeoff minimums, the pilot must ensure that the weather meets approach landing minimums with the additional margin noted in Condition/Limitation 10 c (Example: If the Baltimore-Washington International 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 the passengers, 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; and
 - g. Pilots will utilize and brief passengers that a sterile cockpit procedures as defined under Part 135.100. NOTE: FAA Regulation Part 135.100 is attached at the end of this letter.

11. **AFNE 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 AFNE prior to takeoff for any flight operated under this exemption. The completed tool must be retained by AFNE for a minimum of 30 days. AFNE must identify a maximum score flight value, or other appropriate measure, that is permissible for a flight to be initiated under this exemption.

The FAA recognizes that any sample tool should be modified to adequately address the risk for general aviation and AFNE's specific operation. As an example, a sample risk assessment scores icings when it is moderate to severe. However, for general aviation aircraft (and all AFNE operations) known icing conditions of any value should be grounds for cancellation of a flight or postponement.

12. **AFNE must develop and implement an initial ground training program** that includes the following:
 - a. AFNE flight locating procedures
 - b. Principles and methods for determining weight and balance, and runway limitations for takeoff and landings
 - c. Normal and emergency communications 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".

13. **Recurrent training is required for all pilots operating under the terms of this exemption.** The annual recurrent training program must include verification that each pilot is adequately trained, current, and proficient on all elements in the AFNE initial pilot training program described in Condition/Limitation No. 12

14. **AFNE may not exercise the privileges of this exemption unless AFNE receives verification indicating acceptance of the AFNE risk assessment tool** (Condition/Limitation No. 11) **and the initial and recurrent ground training program** (Condition/Limitation Nos. 12 and 13) 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 email to 9-AFS-800-Correspondence/AWA/FAA.

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15. **AFNE must maintain a copy of the most recent annual inspection of any aircraft used to conduct flights under this exemption.**
16. **All flights must remain within domestic United States airspace.**
17. **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.**

STERILE COCKPIT

Pertains to FAA Exemption No.10360B Conditions and Limitations section 10 g

The following is the actual text from U.S. FAR 121.542/135.100, "Flight Crewmember Duties"

- a. No certificate holder shall require, nor may any flight crewmember perform, any duties during a critical phase of flight except those duties required for the safe operation of the aircraft. Duties such as company required calls made for such nonsafety related purposes as ordering galley supplies and confirming passenger connections, announcements made to passengers promoting the air carrier or pointing out sights of interest, and filling out company payroll and related records are not required for the safe operation of the aircraft.
- b. No flight crewmember may engage in, nor may any pilot in command permit, any activity during a critical phase of flight which could distract any flight crewmember from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties. Activities such as eating meals, engaging in nonessential conversations within the cockpit and nonessential communications between the cabin and cockpit crews, and reading publications not related to the proper conduct of the flight are not required for the safe operation of the aircraft.
- c. For the purpose of this section, critical phases of flight includes all ground operations involving taxi, takeoff and landing, and all other flight operations conducted below 10,000 feet, except cruise flight.

Note: "Taxi" is defined as "movement of an airplane under its own power on the surface of an airport"