



U.S. Department
of Transportation

**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

May 3, 2023

Exemption No. 10360G
Regulatory Docket No. FAA-2011-0840

Mr. Larry Camerlin
President
Angel Flight of New England, Inc.
492 Sutton Street
North Andover, MA 01845

Dear Mr. Camerlin:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 10360F. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letter dated January 25, 2023, you petitioned the FAA on behalf of Angel Flight of New England, Inc. (AF/NE) for an extension of Exemption No. 10360F. That exemption from § 61.113(c) of Title 14 of the Code of Federal Regulations (14 CFR), allows AF/NE to reimburse its volunteer pilots for fuel costs incurred in conducting charitable flights.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of the exemption would not set a precedent and any delay in acting on this petition would be detrimental to AF/NE.

The petitioner requested a three year extension to Exemption No. 10360F, but does not establish how a longer exemption term is consistent with the applicable regulations under which the FAA evaluates petitions. In particular, AF/NE failed to show that extending the length of the exemption term to three years as opposed to the standard two year term would be in the public interest, as 14 CFR § 11.81(d) requires. In addition, a two year extension allows the FAA to more appropriately evaluate both the circumstances necessitating the exemption and the safety of

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operations that occur under the exemption, consistent with 14 CFR § 11.81(e). As such, the request to extend the exemption term to three years is denied.

The FAA has determined that the justification for the issuance of Exemption No. 10360F remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Angel Flight of New England, Inc. an exemption from 14 CFR § 61.113(c) to the extent necessary to allow AF/NE to reimburse its volunteer pilots for fuel costs incurred in conducting charitable flights, subject to the following 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; and
 - ii. Is organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.
2. Before exercising the relief granted by this exemption, AF/NE must ensure it meets the definition of a VPO and that the flight meets the definition of a CMF, as specified in Condition and Limitation No. 1. In addition, AF/NE must receive a determination by the Internal Revenue Service (IRS) that the organization meets the requirements for 501(c)(3) tax-exempt status before exercising the relief granted by this exemption.
3. This exemption may be exercised only for CMFs conducted by AF/NE. 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/NE must ensure the following items are available to any representative of the FAA Administrator, upon request:
 - a. A detailed description of AF/NE'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/NE pilots' flight experience, airman certificate information, and currency of FAA medical certificates;

- 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/NE, 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 this Condition and Limitation must be maintained by AF/NE 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 Airline Transport Pilot (ATP) certificate that is appropriate to the aircraft being flown;
 - b. A minimum total flight 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 pilot in command (PIC), 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(a)(2)(ii) and 61.2);
 - f. A current flight review (per § 61.56(a)) in the same aircraft category, class, and type (if a type rating is required) being flown;
 - g. 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 Airplane Airman Certification Standards, as applicable. This requirement can be substituted by an FAA practical test for an ATP certificate or instrument rating.
 - h. In addition to meeting the IPC requirement of § 61.57(d) as specified in Condition and Limitation No. 5(g), meets the recent flight experience requirements of § 61.57(c), in the same aircraft category, class, and type (if a type rating is required) being flown; and

- 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 of the aircraft 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 document can be found in the July/August 2014 edition of the FAA Safety Briefing Magazine, located online at:

http://www.faa.gov/news/safety_briefing/2014/media/JulAug2014.pdf#page=26

8. AF/NE must implement procedures to notify the passengers (or their legal guardians) who 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 pilots operating under this exemption must activate an Instrument Flight Rules (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. Each pilot must add 100 feet and ½ mile to all instrument approach minimums;
 - d. Each 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 PIC must ensure that the weather meets approach landing minimums with the additional margin noted in Condition and Limitation No. 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, have received a briefing as to the procedures to be followed if an evacuation occurs; and
 - g. The PIC must ensure passengers are briefed on sterile cockpit procedures as defined in § 135.100.
12. AF/NE 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/NE prior to takeoff for any flight operated under this exemption. The completed tool must be retained by AF/NE for a minimum of 30 days after the CMF. AF/NE must identify a maximum score flight value, or other appropriate measure, that is permissible for a flight to be initiated under this exemption. A sample risk assessment tool is available from the following source:

FAA Information for Operators (InFO) 07015:

https://www.faa.gov/sites/faa.gov/files/other_visit/aviation_industry/airline_operator_s/airline_safety/inFO07015.pdf

The FAA recognizes that any sample tool used to assess any potential safety risk during preflight planning should be modified to adequately address the risk for general aviation aircraft and AF/NE's specific operation. As an example, the sample Flight Risk Assessment Tool as outlined in InFo 07015, scores icing as a risk value of 5 when it is moderate to severe. However, for most general aviation aircraft, known icing conditions of any value should be considered grounds for cancellation or postponement of a flight.

13. AF/NE must develop and implement an initial pilot ground training program that includes the following:
 - a. AF/NE operational policies and procedures;
 - b. Principles and methods for determining weight and balance, and runway limitations for takeoff and landings;
 - c. Principles and methods of managing passenger needs and handling special equipment;
 - d. Principles and methods of aviation professionalism, decision-making, risk management and mitigation, and determining personal minimums; and
 - e. 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/NE initial pilot training program described in Condition and Limitation No. 13.
15. AF/NE may not exercise the privileges of this exemption unless AF/NE receives verification indicating acceptance of the AF/NE risk assessment tool (Condition and Limitation No. 12) and the initial and recurrent pilot ground training program (Condition and Limitation Nos. 13 and 14) from the FAA General Aviation & Commercial Division (AFS-800), Training and Certification Group, 800 Independence Ave., SW, Washington, DC 20591 or via e-mail to 9-AFS-800-Correspondence@faa.gov. For more efficient and expeditious handling, email is preferred.
16. AF/NE 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.
19. The FAA reserves the right to rescind this grant of exemption at any time if the Administrator determines that AF/NE or its authorized pilots fail to adhere to the conditions and limitations of this exemption.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 10360F to 10360G and extends the termination date to June 30, 2025, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2011-0840 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Wesley L. Mooty

Acting Deputy Executive Director, Flight Standards Service