



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

October 18, 2021

Exemption No. 18451A
Regulatory Docket No. FAA-2019-0850

Mr. Tony Bonham
Vice President of Aviation
Air Evac EMS, Inc.
1001 Boardwalk Springs Place Suite 250
O'Fallon, MO 63368

Dear Mr. Bonham:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 18451. 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 August 12, 2021, you petitioned the FAA on behalf of Air Evac EMS, Inc. (Air Evac EMS) for an extension of Exemption No. 18451. That exemption from §§ 135.605 and 135.607 of Title 14, Code of Federal Regulations (14 CFR) allows Air Evac EMS to allow for Helicopter Air Ambulance (HAA) operations to be conducted with temporarily inoperative Helicopter Terrain Awareness and Warning System (HTAWS) and Flight Data Monitoring Systems (FDMS).

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 Air Evac EMS.

The FAA has determined that the justification for the issuance of Exemption No. 18451 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, 44701, and 44807, which the FAA Administrator has delegated to me, I hereby grant Air Evac EMS, Inc. an exemption from 14 CFR §§ 135.605 and

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135.607 to the extent necessary to allow Air Evac EMS to allow for Helicopter Air Ambulance operations to be conducted with temporarily inoperative Helicopter Terrain Awareness and Warning System and Flight Data Monitoring Systems, subject to the following conditions and limitations.

Conditions and Limitations

1. Prior to conducting any operation with an inoperable HTAWS or FDMS equipment, the petitioner must develop and incorporate into its required manual(s) all necessary procedures for reporting, recording, and deferring inoperative HTAWS and FDMS equipment, including, but not limited to:
 - a. The day the discrepancy was discovered;
 - b. The procedures to be followed by the flight crew and maintenance personnel to determine that inoperative HTAWS or FDMS reported for previous flights have been corrected or that correction has been deferred; and
 - c. Procedures for clearing any discrepancies once the equipment is returned to an operable condition.
2. Flight crew and maintenance personnel must be trained on the applicability and use of this exemption. The petitioner must maintain record(s) indicating the completion of such training and must make such records available to the FAA for inspection upon request.
3. The HTAWS may be inoperative only when the operation fulfills all of the following conditions:
 - a. The petitioner establishes and uses alternate procedures to address the absence of the operative HTAWS.
 - b. No night off-airport landings or landings at unimproved areas occur.
 - c. For visual flight rules flights at night:
 - i. the radio altimeter must be operative; and
 - ii. the minimum weather requirements for the entire route of flight are a ceiling of at least 1,500 feet and a flight visibility of at least 5 miles.
 - d. The HTAWS is deactivated and placarded.
 - e. The malfunction is recorded in the aircraft maintenance record/logbook on the day it occurs and any necessary repairs to make the HTAWS operative are completed within 10 calendar days of the date of the malfunction.

- f. The MEL for each aircraft the petitioner operates in accordance with this exemption notes the existence of this exemption. The reference to the exemption must be removed from the MEL when this exemption is no longer in effect.
4. The FDMS may be inoperative only when the operation fulfills the following conditions:
 - a) The malfunction is recorded in the aircraft maintenance record/logbook on the day it occurs and any necessary repairs to make the FDMS operative are completed within 20 calendar days of the date of the malfunction.
 - b) The FDMS is deactivated and placarded.
 - c) The MEL for each aircraft the petitioner operates in accordance with this exemption notes the existence of this exemption. The reference to the exemption must be removed from the MEL when this exemption is no longer in effect.

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. 18451 to 18451A and extends the termination date to January 31, 2024, 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-2019-0850 (<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/

Robert C. Carty
Deputy Executive Director, Flight Standards Service