

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056

In the matter of the petition of

**LIFEPORT, INC.**

for an exemption from §§ 25.562 and 25.785(b)  
of Title 14, Code of Federal Regulations

**Regulatory Docket No. FAA-2006-25866**

**GRANT OF EXEMPTION**

By letter dated September 14, 2006, Mr. Alan Pendergrass, Certification Administrator, LifePort, Inc., 1610 Heritage Way, Woodland, Washington 98674, petitioned for an exemption from §§ 25.562 and 25.785(b) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit certification of medical stretchers for transport of persons whose medical condition dictates such accommodation. The exemption is for the installation of a medical stretcher on Boeing Model 737 series airplanes.

**The petitioner requests relief from the following regulations:**

**Section 25.562** specifies dynamic test conditions for qualification of occupant injury criteria as well as structural retention criteria.

**Section 25.785(b)** [Section 25.785(a) at Amendment 25-64] requires that “Each seat, berth, safety belt, harness, and adjacent part of the airplane at each station designated as occupiable during takeoff and landing must be designed so that a person making proper use of those facilities will not suffer serious injury in an emergency landing as a result of inertia forces specified in §§ 25.561 and 25.562.”

**A summary of the petitioner's supportive information follows:**

The petitioner, LifePort, Inc., requests relief from the requirements of §§ 25.562 and 25.785(b), so that medical stretchers may be certificated in Boeing 737 series airplanes. The exemption would allow installation of the LifePort Commercial Medical Stretcher to transport people who are too sick or injured to walk or to sit upright in a passenger seat.

LifePort owns supplemental type certificates (STCs) for the Commercial Medical Stretcher in many Airbus and Boeing airplanes. According to the petitioner, the certification requirements for those airplanes have resulted in a good service history with no adverse experience. Previous stretcher installations have not met the dynamic criteria, and LifePort has requested and received the same exemption for Airbus Model A318, A319, A320, A321, A330, and A340 airplanes and for Boeing Model 777 airplanes.

According to the petitioner, the cost of conducting the required dynamic tests on stretcher installations is quite high, and no stretcher installations tested have met the criteria. Therefore, stretchers cannot be used on airplanes whose type certification basis includes the dynamic requirements.

The result is that a person who needs to travel for essential medical care has only three options:

- He or she can charter an airplane at 5 to 10 times the cost of a commercial ticket,
- He or she can forego needed treatment (the consequences of which may be fatal), or
- He or she can fly on an airplane whose certification basis does not require dynamic testing of seats, if such an airplane is available.

LifePort states that granting the petition would be in the public interest for the following reasons:

- (1) The exemption would relieve an economic burden on members of the traveling public who are dealing with adversity.
- (2) The level of safety that would be provided is acceptable, given the limited usage of the stretcher.
- (3) It would be difficult to comply with § 25.562, especially since that section applies specifically to seats rather than to medical stretchers. The tests are expensive to conduct, and the safety benefit of complying with § 25.562 would be marginal.
- (4) The system was exclusively designed for transport category aircraft and would provide ability for mass Emergency Evacuation from one region to another using any commercial passenger aircraft, thus turning the airlines into a large Emergency Medical Evacuation fleet.
- (5) An exemption would permit transportation of patients from areas lacking the necessary means or equipment to treat them to areas better equipped to do so,
- (6) An exemption would allow a sick or injured person to be transported by commercial airplane rather than by a chartered airplane which would cost more and take longer.

The petitioner indicated that it has applied for the STC and has commitments that require an STC by December, 2006. A delay in acting on the petition would be detrimental to LifePort as well as delaying the deployment of life saving equipment.

### **Public Comment**

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication, because (1) a grant of exemption would not set a precedent, and (2) a delay in acting on this petition would delay installation and use of the potentially life-saving medical stretchers.

### **The FAA's analysis/summary is as follows:**

The FAA has considered the cost implications and the overall benefits resulting from use of a medical stretcher. If a person is forced to charter an airplane when transport by commercial carrier would have otherwise been available, the cost may be prohibitive. If so, the person may need to forego medical care altogether. In this case, any safety benefit from averting the possible consequences of a medical stretcher not meeting the dynamic test requirements is moot.

The FAA has also considered that the use of the medical stretcher is limited. Exposure to the possibility of an accident on any given flight is, therefore, less than for airplanes in general. Since use of the medical stretcher for takeoff and landing is limited to persons whose medical condition requires that they travel on a stretcher, the FAA does not consider this a precedent setting finding.

The FAA agrees that stretchers for medical use were not considered in the context of the dynamic test requirements of § 25.562 when the regulation was developed. Occupancy of other berths during takeoff and landing for non-ambulatory persons was not considered feasible under the conditions of § 25.562, and for the purposes of compliance, stretchers are considered "berths."

The FAA agrees that demonstrating compliance with the requirements of § 25.562 would be very difficult, and application of the existing pass/fail criteria to these installations is questionable.

With respect to the overall level of safety, the FAA notes that full compliance with the requirements of § 25.561 will still be required for the medical stretcher. This is consistent with the standards for all seats before the adoption of § 25.562. Thus, as noted by the petitioner, an alternative to this exemption would be to seek transportation on an airplane that does not require dynamic testing of seats as part of its certification basis (i.e., an airplane with an earlier certification basis). While this alternative meets the rule, the FAA does not consider that this is a desirable approach. While differences in certification bases are not sufficient to justify an exemption, the FAA does not consider that safety necessarily would be served by using an airplane with an earlier certification basis.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, LifePort, Inc., is granted an exemption from the requirements of

14 CFR 25.562 and 25.785(b) to the extent necessary to allow LifePort, Inc. to install a medical stretcher on a Boeing Model 737 series airplane, with the following limitation:

Occupancy for takeoff and landing is limited to non-ambulatory persons. Suitable means to identify this limitation shall be provided as part of the medical stretcher type design.

Issued in Renton, Washington, on November 27, 2006.

/s/ Ali Bahrami  
Manager  
Transport Airplane Directorate  
Aircraft Certification Service