

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-2005-21738**

**GRANT OF EXEMPTION**

By letter dated June 28, 2005, Mr. Alan Pendergrass, Certification Engineer, 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 Airbus Model A318, A319, A320, and A321 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.

**The petitioner's supportive information is as follows:**

“LifePort, Inc. hereby petitions for an exemption from 14 CFR 25.562 and part of 25.785(b) of the Federal Aviation Regulations (FAR) to the extent necessary to permit certification of medical stretchers for transport of persons whose medical condition dictates such accommodations. The exemption is for installing the LifePort Commercial Medical Stretcher (CMS) in the Airbus A318, A319, A320 and A321 series aircraft.”

“LifePort owns supplemental type certificates (STCs) for the PLUS and AeroSled for numerous part 23, 25, 27 and 29 aircraft. The certification requirements for those aircraft have resulted in good service history with no adverse experience. Previous stretcher installations have not been shown to meet the dynamic criteria. FAR parts 23, 27 and 29 specifically exclude litters from the dynamic criteria.

“LifePort notes that the estimated cost of demonstrating compliance of stretcher installations with dynamic test requirements is quite high considering the limited amount of units for which the cost could be amortized. Since none have been shown to comply with the dynamic test criteria, stretchers cannot currently be used on airplanes whose type-certificate basis includes the dynamic requirements. In this case, a person who needs to travel for essential medical care can either charter an airplane, at 5 to 10 times the cost of a commercial ticket, or, if the cost is prohibitive, fail to receive the needed treatment (the consequences of which may be fatal). Another alternative would be to fly an alternate route on an aircraft whose certification basis does not require dynamic testing. This alternative would offer no increase in safety and may not be available.

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

“1) The exemption would relieve an economic burden on a segment of the traveling public already dealing with adversity,

“2) The level of safety that would be provided is an acceptable level of safety given the limited usage and exposure of the stretcher,

“3) Compliance with the dynamic test requirements would be difficult at best, and very expensive, while returning a marginal safety benefit. In addition, § 25.562 is written specifically for seats and would not be easily applied to a litter,

“4) The system was exclusively designed for transport category aircraft, and would provide ability for mass Emergency Evacuation from one region to another utilizing any commercial passenger aircraft, thus turning the airlines into a large Emergency Medical Evacuation fleet,

“5) Transportation of patients from countries lacking the necessary means or equipment to aid their fragile conditions, to a more medically developed and equipped country,

“6) The system would also allow for faster transportation time using a commercial aircraft vs. coordinating the use of a chartered aircraft, within economic means, with a slower flight time and a shorter fuel range.

“LifePort also requests that publication of this petition for public comment be waived for good-cause. This petition is consistent with Exemption No. 6625, 6920, and 7318, which were granted for LifePort litter installations in Cessna 750 (Citation X), Falcon 2000, and Cessna Citation 560XL, respectively. In this case, the intent for the exemption is for non-ambulatory persons. LifePort recommends that this intent be covered by (1) a limitation in the Flight Manual Supplement and (2) a conspicuously located placard that states that occupancy of the AeroSled during takeoff and landing is for non-ambulatory persons only.

“In summary, LifePort is requesting exemption from the dynamic requirements of § 25.562 as required for berths per § 25.785(b) for our installation of a stretcher system in an Airbus A318, A319, A320 and A321 series aircraft.”

### **Federal Register Publication**

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to LifePort, Inc.

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

The FAA has considered the cost implications and the overall benefits resulting from usage of a medical stretcher. If a person is forced to charter an airplane, when carriage by commercial carrier would have otherwise been acceptable, it is possible that the resultant cost would be prohibitive, and the necessary medical attention would not be available. Certainly, any safety benefit from averting the possible consequences of a medical stretcher not meeting the dynamic test requirements is moot in this case.

The FAA has also considered that the use of the medical stretcher is limited, and on a case-by-case basis. The 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 only to those persons whose medical condition dictates travel in that manner, 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 ambulatory persons was not considered feasible under the conditions of § 25.562; and for the purposes of compliance, stretchers are considered “berths.” The FAA acknowledges that part 25 differs from other aircraft regulatory standards in this regard.

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 be required for the medical stretcher. This is consistent with the standards for all seats prior to 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 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 Airbus Model A318, A319, A320 and A321 series airplanes, with the following provision:

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 August 10, 2005.

/S/  
Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service