

**CORRECTED COPY**

**This is a correction to Grant of Exemption no. 6515A, dated February 23, 2012. The change adds the petitioner's address to the originally submitted petition for exemption dated February 23, 2012. The FAA made these changes in its records as of March 8, 2012. Please file this with the originally signed Grant of Exemption.**

**Exemption No. 6515A**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98057-3356**

In the matter of the petition of

**Air Medic LLC**

for an exemption from §§ 25.561, 25.562,  
and 25.785(b) of Title 14, Code of Federal  
Regulations

**Regulatory Docket No. FAA-2011-1330  
(formerly Regulatory Docket No. 28689)**

**PARTIAL GRANT OF EXEMPTION**

By letter dated September 6, 1996, Mr. Marvin J. Keogh, Air Medic LLC, P.O. Box 15188, North Hollywood, CA, 91615-5188, petitioned the Federal Aviation Administration (FAA) for an exemption from Title 14, Code of Federal Regulations (14 CFR) 25.561, 25.562, and 25.785(b) to the extent necessary to permit certification of medical-stretcher carriers for transport of persons whose medical condition dictates such accommodation. The exemption is for Boeing Model 777 airplanes, and Airbus Model A330 and A340 airplanes. This petition resulted in Exemption No. 6515.

By petition published in <http://regulations.gov> on November 25, 2011, Mr. Marvin J. Keogh, owner, Air Medic LLC, petitioned the FAA to amend Exemption No. 6515 to include and exempt from §§ 25.561 and 25.562 the Boeing Model 787 airplane, with the intention of adding this airplane model to the Air Medic LLC Supplemental Type Certificate SA7076NM. This petition to amend Exemption No. 6515 references the supporting information submitted in the petition for which Exemption No. 6515 was issued.

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

**Section 25.785(b)** requires that each seat, berth, safety belt, harness, and adjacent part of the airplane at each station, designated as occupiable during taxi, takeoff, and landing (TT&L), 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. Note that the provisions of current § 25.785(b) were contained in § 25.785(a) prior to Amendment 25-72. The petition for exemption from § 25.785(a), as amended by Amendment 25-64, applies to Airbus Models A330 and A340, while § 25.785(b), as amended by Amendment 25-72, applies to the Boeing Model 777. These two paragraphs contain no substantive differences between them. Stretcher carriers are considered “berths” as far as compliance with this section is concerned.

**Section 25.561** specifies the emergency-landing static-load conditions for structural retention.

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

**The petitioner supports its request with the following information:**

This section summarizes the relevant information from the petitioner’s request. The complete petitions are available at the Department of Transportation’s Federal Docket Management System, on the Internet at <http://regulations.gov>, in docket no. FAA-2011-1330.

Air Medic notes that the FAA has granted numerous supplemental type certificates allowing installation of Air Medic stretcher carriers on most large, transport-airplane types. Air Medic states that the certification requirements in effect for those airplanes have resulted in a good service history with no adverse experience. No stretcher-carrier installations have been shown to meet the dynamic-test criteria.

Air Medic further notes that the estimated cost of demonstrating compliance of stretcher-carrier installations with the dynamic-test requirements is quite high considering the limited number of units for which that cost could be amortized. Since none of the stretcher carriers have been shown to comply with the dynamic-test criteria, stretcher carriers currently cannot be used on airplanes the type-certification bases of which includes the dynamic-test requirements. In these cases, a person who needs to travel for essential medical care can either charter an airplane, at 5-10 times the cost of a commercial ticket, or if the cost is prohibitive, fail to be transported to receive the needed treatment, the consequences of which may be fatal.

Air Medic feels that granting an exemption would be in the public interest for the following reasons:

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

- The level of safety provided by the stretcher-carrier installation is an acceptable level of safety given the exposure and limited use of the stretcher carrier, and
- Compliance with the dynamic-test requirements would be difficult at best, and very expensive, while returning a marginal safety benefit.

Air Medic also requests that publication of this petition for public comment be waived for good cause. Due to a misunderstanding, Air Medic believed that the dynamic-test requirements were not applicable, and therefore did not petition sooner. Any delay in granting the exemption exacerbates the situation where persons are unable to travel to receive needed medical care.

### **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 Air Medic, as well as effectively deny a valuable service to persons with critical medical conditions.

### **FAA Analysis**

This amendment to the exemption adds the Boeing Model 787 airplane. The original exemption analysis is repeated here for clarity and completeness.

Due to humanitarian considerations, the FAA considers the transportation of persons needing medical attention by air to be essential and in the public interest. In many instances, those persons can be transported only on stretchers.

Air Medic has requested relief from § 25.785(b), which currently contains the requirement for berths to provide adequate occupant protection under the inertia loads of §§ 25.561 and 25.562. This requirement was contained in § 25.785(a) prior to Amendment 25-72. Because § 25.785(a), as amended by Amendment 25-64, is the pertinent requirement for the two Airbus airplane models, the FAA assumes that Air Medic intended to request relief from that section for those two models. The FAA agrees that the requirement to consider the inertia loads of § 25.562 for other than seats is not altogether obvious. Because § 25.562 refers to “seats,” it would be easy to overlook the applicability of that section to berths through its incorporation by reference in § 25.785. In addition, other 14 CFR parts do not treat berths in the same manner as part 25, and this could also lead to confusion. In any event, occupancy of berths during taxi, takeoff, and landing (TT&L) for *ambulatory* persons was not considered feasible under the conditions of § 25.562; occupancy by non-ambulatory persons was not addressed.

The FAA agrees that demonstrating compliance with the requirements of § 25.562 would be very difficult, and that applicability, in this case, of the existing pass/fail criteria is questionable.

The FAA has also considered the cost implications and overall benefits resulting from the use of stretcher carriers. One possible alternative, in the absence of the relief Air Medic requested,

would be to seek a less-desirable airline routing or schedule utilizing an airplane that is not required to comply with the dynamic-test requirements. That alternative, if available, would not offer any safety benefit because the stretcher-carrier installation would still not be required to meet the dynamic-test criteria. Should that alternative not be available, a person would be forced to charter an airplane at a cost likely to be prohibitive. Any safety benefit from requiring a stretcher-carrier installation to meet the dynamic-test requirements would certainly be moot if the necessary medical attention were unavailable due to prohibitive costs.

The need for stretcher carriers in transport-category airplanes is very infrequent. The accident exposure of persons occupying stretchers is, therefore, considerably less than that for airline passengers in general. Because only those persons whose medical condition dictates travel on a stretcher can occupy the stretcher carrier during TT&L, granting the requested relief would not set a precedent for the traveling public in general.

Although relief from the provisions of § 25.561 was also requested, Air Medic did not provide any justification for such relief and apparently intends to comply with all of the provisions of that section. Given that § 25.561 is incorporated by reference in § 25.785, the FAA considers that Air Medic may have requested such relief in the mistaken belief that such relief is required to realize the expected relief from § 25.785. The FAA denies that portion of the petitions due to the absence of justification for relief from the provisions of § 25.561.

### **The Grant of Exemption**

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest, and will not significantly affect the overall level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 USC 40113 and 44701, formerly §§ 313(a) and 601(c), of the Federal Aviation Act of 1958 as amended, delegated to me by the Administrator (14 CFR 11.53), the petition of Air Medic for exemption from the requirements of § 25.785(a), as amended by Amendment 25-64, or § 25.785(b), as amended by Amendment 25-72, as applicable to the particular airplane model involved, and from the requirements of § 25.562, is hereby granted for the installation of stretcher carriers on Airbus Model A330 and A340 airplanes, and Boeing Model 777 and 787 airplanes, provided that occupancy during TT&L is limited to non-ambulatory persons. The following operating limitation must be added to the limitations section of the airplane flight manual supplement and stated on a conspicuously located placard:

Occupancy is limited to non-ambulatory persons.

In consideration of the foregoing, the petition of Air Medic for exemption from the requirements of § 25.561 is hereby denied.

Issued in Renton, Washington, on February 23, 2012.

*/s/ Ali Bahrami*

Ali Bahrami  
Manager, Transport Airplane Directorate  
Aircraft Certification Service