

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

In the matter of the petition of

**SPECTRUM AEROMED, INC.**

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

**Regulatory Docket No. FAA-2007-28203**

**GRANT OF EXEMPTION**

By letter dated May 7, 2007, Mr. Justin Mahler, Engineer, 304 4<sup>th</sup> Street North, Wheaton, Minnesota 56296, 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 transporting persons whose medical condition dictates such accommodation. The exemption is for the installation of a medical stretcher on a Gulfstream Aerospace LP Model G150 series airplane.

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

**Section 25.562, Amendment 25-64** - specifies dynamic test conditions for qualification of occupant injury criteria, as well as structural retention criteria.

**Section 25.785(b), Amendment 25-88** - requires that each seat, berth, safety belt, harness, and adjacent part of the airplane at each station designated as occupiable during takeoff and landing 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 the inertia forces specified in §§ 25.561 and 25.562.

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

Background

The petitioner is requesting an exemption from the dynamic requirements of § 25.562 as required for berths per § 25.785(b). Spectrum Aeromed owns several supplemental type certificates that allow the installation of medical systems (including litters or berths) on various aircraft certified under parts 23, 25, 27, and 29. The dynamic criteria in parts 23, 27, and 29 specifically exclude litters but the dynamic criteria in part 25 does not specifically exclude litters.

Justification

Spectrum Aeromed states that the estimated cost of demonstrating compliance of medical system installations with dynamic test requirements is quite high considering the limited number of units for which the cost could be amortized. Since none have been shown to comply with the dynamic test criteria, medical systems 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 flying on an aircraft whose certification basis does not require dynamic testing. This would offer no increase in safety and may not be available.

Spectrum Aeromed notes that the FAA has granted similar exemptions for litter installations on Boeing Model 777, Airbus Model A330, Airbus Model A340, Cessna Model 750, Gulfstream Model G-V, and Cessna Model 560XL airplanes.

Public Interest

Spectrum Aeromed states 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 medical system.
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 easy to apply to a litter.

Request to Waive Publication and Public Comment:

Spectrum Aeromed requested that the publication of this petition for public comment be waived because this subject has been previously discussed in the public forum.

The complete petition for exemption is available on the Department of Transportation's Docket Management Website located at <http://dms.dot.gov>. The docket number is FAA-2007-28203. The petitioner's complete supportive information is contained in that petition.

### **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 Spectrum Aeromed, Inc.

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

For the reasons stated by the petitioner the FAA agrees that granting this petition is in the public interest. We have considered the cost implications and the overall benefits resulting from the use 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. Also, this exemption would permit the transportation of medically fragile people from countries lacking the medical expertise or equipment to address a certain medical condition to a country with more advanced medical expertise and facilities.

We have 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 that 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 testing as part of its certification basis (i.e., an airplane with an earlier certification basis). While this alternative is a viable option, the FAA does not consider this a desirable approach.

### **FAA's decision**

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, Spectrum Aeromed, Inc., is granted an exemption from the requirements of 14 CFR 25.562 and 25.785(b) to the extent necessary to allow Spectrum Aeromed, Inc. to install a medical stretcher on a Gulfstream Aerospace LP Model G150 series airplane, 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 29, 2007.

Signed by Stephen P. Boyd  
Stephen P. Boyd  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service