

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

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-2008-1089

GRANT OF EXEMPTION

By letter dated September 16, 2008, Mr. Alan Pendergrass, Certification Administrator, 1610 Heritage Street, 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 transporting persons whose medical condition dictates such accommodation. The exemption is for the installation of a medical stretcher on a Cessna Model 680 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

LifePort owns supplemental type certificates (STCs) for the PLUS and AeroSled for numerous part 25, 23, 27 and 29 aircraft. The certification requirements for those aircraft have resulted in good service history with no adverse experience. No stretcher installations have been shown to meet the dynamic criteria. [CF]R parts 23, 27, and 29 specifically exclude litters from the dynamic criteria.

LifePort notes that the estimated cost of demonstrating compliance 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, 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 flying an alternate route on an aircraft whose cert basis does not require dynamic testing. This 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, section 25.562 is written for seats and would not be easily applied to a litter.

LifePort also requests that the FAA waive publication and public comment for good-cause. LifePort applied for the STC in August 2008 and has commitments requiring an STC by November, 2008. A delay in acting on the petition would be detrimental to LifePort as well as delaying the deployment of lifesaving equipment.

This petition is consistent with Exemption No. 6625, 6920, 7318, and 7393, which were granted for LifePort litter installations in Cessna 750 (Citation X), Falcon 2000, Cessna Citation 560XL and Learjet 45, 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.

Federal Register publication

A summary of this petition was not published in the *Federal Register*. The FAA determined that this exemption does not set a precedent and any delay in acting on this petition would be detrimental to LifePort, Inc.

The FAA's analysis

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. The FAA agrees that demonstrating compliance with the requirements of § 25.562 would be difficult, if not impossible, and applying the existing pass/fail criteria to these installations is questionable. The need for medically fragile people to receive necessary and potentially life saving medical attention outweighs the increase in the level of safety gained by requiring medical stretchers to meet dynamic testing requirements. 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.

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. We agree with the petitioner's proposal to limit occupancy to non-ambulatory persons only, except that this limitation should apply during all phases of flight, not just takeoff and landing.

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. Airplanes certificated with § 25.562 included in their certification basis have incorporated many safety advances not found on earlier model

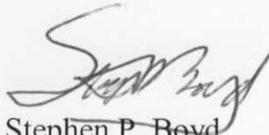
airplanes. It would be counterproductive to restrict this type of transportation to those earlier models.

The 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, LifePort, Inc., is granted an exemption from the requirements of 14 CFR 25.562 and 25.785(b) to the extent necessary to allow installation of a medical stretcher on a Cessna Model 680 series airplane. 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.

Issued in Renton, Washington, on **NOV 04 2008**



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