

LETTER OF INTENT FAR 135 DEVIATION

In accordance with Exemption No 18510 Regulatory Docket No. FAA-2020-0292 Helicopter Experts, Inc. is requesting deviation from:

Our Training Base month was July 2020. Helicopter Experts is a single pilot operator who's pilot is myself, Michael D. Bisek will document and manage the extended grace months and accept the responsibility and mitigate the potential risk of extending those grace months through this documented means of risk assessment and control.

Completion of recurrent training and qualification activities for crewmembers up to three calendar months after the month that the activity was due to have been completed. Under certain part 135 regulations, there is an existing "grace month" for completing certain training and qualification requirements. This exemption would allow two additional grace months for the completion of various training and qualification requirements, creating a total of either three or two grace months for completion depending on the requirement. 1 For purposes of this exemption, crewmember refers to pilots and flight attendants. AFS-20-133186-E 2

Helicopter Experts, Inc. requests relief from the following regulations:

Section 135.301(a) states, in pertinent part, that if a crewmember who is required to take a test or a flight check under this part, completes the test or flight check in the calendar month before or after the calendar month in which it is required, that crewmember is considered to have completed the test or check in the calendar month in which it is required.

Section 135.323(b) states, in pertinent part, that whenever a crewmember who is required to take recurrent training under this subpart completes the training in the calendar month before, or the calendar month after, the month in which that training is required, the crewmember is considered to have completed it in the calendar month in which it was required.

Section 135.337(g) states, in pertinent part, that the flight segments or line-observation program required in § 135.337(f) are considered to be completed in the month required if completed in the calendar month before or the calendar month after the month in which they are due.

Section 135.338(g) states, in pertinent part, that the flight segments or line-observation program required in § 135.338(f) are considered completed in the month required if completed in the calendar month before, or in the calendar month after, the month in which they are due.

Section 135.339(b) states, in pertinent part, that the observation check required by § 135.339(a)(2) is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

Section 135.340(b) states, in pertinent part, that the observation check required by § 135.340(a)(2) is considered to have been completed in the month required if completed in the calendar month before or the calendar month after the month in which it is due.

The FAA has identified the following regulations to which grace month provisions already apply: §§ 135.293(a) and (b), 135.295, 135.297(a) and (b), 135.299(a), 135.337(f), 135.338(f), 135.339(a)(2), 135.340(a)(2), 135.343, 135.505(a). AFS-20-133186-E 3 Section 135.505(d) states, in pertinent part, that a person who satisfactorily completes recurrent hazardous materials training in the calendar month before, or the calendar month after, the month in which the recurrent training is due, is considered to have taken that training during the month in which it is due.

The petitioner supports its request with the following information:

This grant of exemption was initiated by the FAA Air Transportation Division after extensive discussions with NATA regarding the ability of NATA's members to satisfy impending recurrent training and qualification requirements for crewmembers and ground personnel due to concerns over the COVID-19 outbreak. Due to the extraordinary circumstances associated with the outbreak, the FAA is construing these conversations, which included a request for expedited relief, as a petition for exemption under 14 C.F.R. § 11.61(b). The Coronavirus (COVID-19) was detected in China in December 2019. On January 30, 2020, the World Health Organization declared the outbreak a public health emergency of international concern. On January 31, 2020, the Department of Health and Human Services declared a public health emergency for the United States to aid in responding to COVID-19.³ As the COVID-19 pandemic progressed, the petitioner contacted the FAA to discuss limited relief from certain recurrent training, testing, checking, evaluation, recency, or observation requirements in light of the COVID-19 national emergency. During discussions with the FAA, the petitioner expressed concern that the COVID-19 pandemic will disrupt training and qualification activities, resulting in crewmember qualifications lapsing because either crewmembers cannot access training facilities or FAA inspectors are unavailable to conduct required tests, checks, or observations. Further, the petitioner expressed concern that classroom-training environments may introduce personnel to unnecessary risks of exposure. Some crewmembers who may require recurrent training during the next few months are in categories that the Centers for Disease Control and Prevention (CDC) have identified as at a higher risk for severe illness resulting from COVID-19.⁴ In addition to the concern about unnecessary health risk, the petitioner expressed concern that a reduction in the number of qualified crewmembers could jeopardize the continuity of air transportation at a critical time when the movement of food, supplies, mail, and personnel is essential to the public interest.

Thank You

Michael D. Bisek
President of Helicopter Experts, Inc.