



US Department
of Transportation

**Federal Aviation
Administration**

NOV 17 1995

Mr. Frank Jensen President
Helicopter Association International 1635 Prince street
Alexandria, VA 22314-2818

Dear Mr. Jensen:

This is in response to communications that you and others have had with the Federal Aviation Administration (FAA) about clarification of the term "VFR minimums" used in a Partial Grant of Exemption No. 6175. The FAA issued this exemption to Part 135 certificate holders who are members of both the Helicopter Association International (HA1) and the Association of Air Medical Services (AAMS). The exemption from Section 135.213(a) would permit helicopter Air Ambulance (EMS) departures, under Instrument Flight Rules (IFR), in weather that is at or above Visual Flight Rules (VFR) minimums, from airports or heliports at which a weather report is not available from the u.S. National Weather Service (NWS), a source approved by the NWS, or a source approved by the Administrator.

Condition #2 of this exemption states that, "Use of this exemption is authorized only at airports or heliports at which a weather report is not available from the NWS, a source approved by the NWS, or a source approved by the Administrator. IFR departures at such airports or heliports are authorized only after the PIC of the affected flight determines that the weather conditions at the departure airport or heliport are at or above VFR minimums. This may be determined by the PIC's own observation or that of another person competent to supply appropriate observations."

This exemption was written and limited to Part 135 certificate holders. Subpart D of Part 135 prescribes the operating limitations for VFR/IFR flight operations and associated weather requirements for operations under that part.

Section 135.205 (b) of that subpart states, "No person may operate a helicopter under VFR in Class G airspace at an altitude of 1,200 feet or less above the surface or within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport unless the visibility is at least -

- (1) During the day -1/2 mile; or
- (2) At night -1 mile.

Therefore, in order for a Part 135 certificate holder conducting an air ambulance ("EMS") flight, to receive an IFR clearance and then depart under that IFR clearance from an airport or heliport that does not have approved weather at that airport, the pilot or other competent person must determine that the visibility is at least 1/2 mile during the day and 1 mile at night.

If the certificate holder decides to depart VFR from that airport and receive an IFR clearance while in flight, the VFR minimums stated in his appropriate Operations Specifications apply.

Thank you for your continued support in aviation safety.

Sincerely,

A handwritten signature in dark ink, appearing to read "David R. Haarrington". The signature is fluid and cursive, with a prominent loop at the end.

David R. Haarrington
Manager, Air Transportation Division

