U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

DEC - 3 2018

Eric G. Gilbert
Maui Helicopter Academy
147 Alohi Pl
Makawao, Hawaii 96768

Re: Legal interpretation request – Part 136 Appendix A

Dear Mr. Gilbert:

This letter responds to your August 8, 2018 request for legal interpretation regarding the special operating rules for air tour operators in the state of Hawaii, contained in Appendix A to 14 CFR part 136. In your letter, you ask for clarification regarding whether an air tour operator in Hawaii can conduct air tours outside the gliding distance of the shore if the helicopter is not equipped with fixed floats or an inflatable floatation system, but when all occupants of the aircraft are wearing approved flotation gear. You noted that the 14 CFR § 136.11 requires either fixed floats or an inflatable flotation system if the helicopter is operated beyond the shoreline.

The answer to your inquiry is yes, so long as the air tour is conducted in a single-engine helicopter under 14 CFR parts 91, 121, or 135. Appendix A to Part 136 sets out special operating rules that are applicable in the state of Hawaii, and Section 3 offers two alternatives for operations beyond the shore in a single-engine helicopter:

> (a) The helicopter is amphibious or is equipped with floats adequate to accomplish a safe emergency ditching and approved flotation gear is easily accessible for each occupant; or
>
> (b) Each person on board the helicopter is wearing approved flotation gear.

Therefore, if all occupants are wearing approved flotation gear, the operation may be conducted beyond the shore of any island, regardless of whether the helicopter is within gliding distance of shore.

We appreciate your patience and trust that the above responds to your inquiry. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Courtney Freeman, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of the Flight Standards Service.

Sincerely,



Lorelei Peter
Assistant Chief Counsel for Regulations

Dear Chief Counsel,

I am looking for an interpretation of the 136 appendix A for Hawaii Tour Operators.
In number 3 for Helicopter flotation equipment it says that a helicopter can not operate outside of gliding distance of shore unless (a) the helicopter is amphibious or is equipped with floats adequate to accomplish a safe emergency ditching and approved flotation gear is easily accessible for each occupant OR (b) each person on board the helicopter is wearing approved flotation gear.

Does this mean that a tour operator in hawaii can conduct air tours outside glide if all occupants of the aircraft are wearing flotation gear and does not have floats and is not in an amphibious helicopter?

For 136.11 helicopter floats for over water

(a) A helicopter used in commercial air tours over water beyond shoreline must be equipped with fixed floats or an inflatable flotation system adequate to accomplish safe emergency ditching, if -

For the words inflatable flotation system could this be floatation gear that each occupant is wearing, and is the word shoreline and over water to mean any "rivers, small lake, crick, or streams shoreline."

In essence I need to know if I can operate a commercial air tour from hilo to an area that is 20 miles to the south southeast without floats if I stay only over the shore of the island, and if the regulations allow to be able to operate a tour over water outside of power off glide without helicopter floats or an amphibious helicopter.

Thank you for your time.

Eric G. Gilbert
Maui Helicopter Academy