

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.405

National Policy

Effective Date:
2/15/17

Cancellation Date:
2/15/18

SUBJ: OpSpec A160, Letter of Deviation Authority (LODA) for Part 135 Rotorcraft Operations Without a Radio Altimeter

1. Purpose of This Notice. This notice announces requirements for issuing Operations Specification (OpSpec) A160, LODA for Part 135 Rotorcraft Operations Without a Radio Altimeter, and revises the templates for affected Title 14 of the Code of Federal Regulations (14 CFR) part 135 operations. This notice describes the aviation safety inspector's (ASI) role in granting deviation authority to a part 135 certificate holder.

2. Audience. The primary audience for this notice is Federal Aviation Administration (FAA) certificate-holding district offices (CHDO) and principal inspectors (PI) assigned oversight of certificate holders conducting rotorcraft operations under part 135. The secondary audience includes Flight Standards (AFS) personnel in the divisions and regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. In October 2010, the FAA published a Notice of Proposed Rulemaking (NPRM) (75 FR 62639) which would require commercial helicopter operators to install an operable FAA-approved radio altimeter (RA) in their rotorcraft. In February 2014, the FAA adopted the final rule as proposed (79 FR 9931), with compliance due by April 24, 2017, three years from the rule's effective date. The final rule states that a certificate holder must have an "FAA-approved radio altimeter, or an FAA-approved device that incorporates a radio altimeter." The FAA recognized that a limited number of smaller helicopters used in part 135 operations (e.g., Bell-47, Robinson R-22) may not have adequate room on the flight deck to install an RA, and included in the rule the ability for a certificate holder to obtain a deviation from the rule (part 135, § 135.160(b)). Deviation authority may not be warranted for helicopters in which an RA can be added to the flight deck's existing configuration. The FAA did note that a Helicopter Terrain Awareness and Warning System (HTAWS) or other devices, such as a multi-function display that incorporates an RA, would be permitted under this rule. Additionally, the certificate holder may not use information derived from a Global Positioning System (GPS) as a substitute for an RA.

5. Guidance. This notice contains the sample OpSpec A160 template in Appendix A as it applies to part 135. Principal operations inspectors (POI) may issue OpSpec A160 in accordance with the following guidance:

a. POIs should review the certificate holder's request to be authorized deviation authority from § 135.160 with the information in subparagraph 5b, and provide the A160 authorization or denial within 60 calendar-days upon receipt of the request.

b. POIs should review the certificate holder's substantiating data that shows an RA will not fit on the instrument panel without removing equipment required by regulation or that there is no room on board the aircraft for associated RA components. POIs should coordinate this review with the principal avionics inspector (PAI).

c. POIs are not required to coordinate A005 and A160 authorizations with their regional office or HQ policy divisions. However, contact information is provided below in case further assistance is needed.

d. FAA Order 8900.1, Volume 3, Chapter 18, Section 6, OpSpec/MSpec D085, Aircraft Listing, paragraph D allows for rotorcraft to remain on the D085 OpSpec while not operating in revenue service. Therefore, after April 24, 2017, a rotorcraft listed on an operator's D085 may operate under 14 CFR part 91 to conduct those maintenance, or alteration activities, necessary to conform the rotorcraft to § 135.160.

e. The PAI and principal maintenance inspector (PMI) are advised that the operators OpSpec D085 may remain unchanged during the A160 OpSpec approval process. In the case where an approval process may extend beyond the April 24, 2017, compliance date, the rotorcraft may not be used in revenue service. Continued operation of rotorcraft listed on the D085 under part 91 is allowed only if the certificate holder has FAA-accepted procedures specifying how its rotorcraft are operated while they show compliance to § 135.160.

f. POIs should be aware that this deviation authority only applies to rotorcraft with a maximum gross takeoff weight of 2,950 pounds or less. Requests for deviation from § 135.160 received for aircraft with a maximum gross takeoff weight greater than 2,950 pounds must be denied. In these cases, the certificate holder should petition for an exemption in accordance with 14 CFR part 11.

g. POIs should be aware of the following conditions and limitations applicable for part 135 certificate holders seeking OpSpec A160 authorization:

(1) The certificate holder is not authorized to conduct night vision goggle (NVG) operations while conducting operations under this deviation authority.

(2) The certificate holder's approved pilot training program must contain training methods for recognizing and avoiding conditions conducive to whiteout, brownout, and flat-light conditions.

h. Deviations to this notice will be processed in accordance with the procedure found in Order 8900.1, Volume 1, Chapter 1, Section 1, subparagraph 1-3A.

- i. The deviation may be terminated or amended at any time by the Administrator.

6. Action. POIs should review the guidance in paragraph 5 and issue A160 to certificate holders as applicable. POIs granting this deviation will issue OpSpec A160 that will serve as the LODA. POIs will also list the deviation on OpSpec A005 and place “See OpSpec paragraph A160” in the Deviation Description block on OpSpec A005. ASIs will complete the Program Tracking and Reporting Subsystem (PTRS) with a code of 1865, GENRL TECH/PROCESS DEVIATIONS (BLANK); document the approval or denial for each aircraft; and enter “Rad/Alt” into the Nat’l Use block.

7. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions or comments concerning this notice to the FAA Flight Standards Service, Aircraft Maintenance Division (AFS-300) at 202-267-1675 or email the Helicopter Air Ambulance Focus Team (HAAFT) at 9-AWA-AVS-HAAFT@faa.gov.



John S. Duncan
Director, Flight Standards Service

**Appendix A. Sample OpSpec A160, LODA for Part 135 Operations Without a
Radio Altimeter: 14 CFR Part 121/135 and Part 135**

- a. The certificate holder is granted a deviation from 14 CFR part 135, § 135.160 with the conditions and limitations of this Letter of Deviation Authority (LODA).
- b. The certificate holder is authorized to conduct rotorcraft operations without the radio altimeter equipment required by § 135.160(a) using the rotorcraft listed in Table 1 below.

Table 1 – Authorized Rotorcraft

Make/Model/Series	Registration Number

- c. The certificate holder must not conduct any operations under this deviation authority unless the following additional conditions and limitations are met:
- (1) The certificate holder is not authorized to conduct night vision goggle (NVG) operations while conducting operations under this deviation authority.
- (2) The certificate holder's approved pilot training program must contain training methods for recognizing and avoiding conditions conducive to whiteout, brownout, and flat-light conditions.