Federal Aviation Administration

Memorandum

Date: January 10, 2011

To: B. Hooper Harris, Manager, Accident Investigation Division, AVP-100

From: Rebecca B. MacPherson, Assistant Chief Counsel for Regulations, Office of the Chief Counsel, AGC-200

Subject: NTSB Request Number 08-073, Briefing Location of Equipped Liferafts

This memorandum responds to your request for support in responding to National Transportation Safety Board (NTSB), Office of Aviation Safety request number 08-073. In its request the NTSB states that part 135 helicopter operators in the Gulf of Mexico are not required by regulation to carry liferafts because their operations do not meet the definition of extended over-water operation for helicopters as set forth in §1.1 of Title 14, Code of Federal Regulations (14 CFR). However, the NTSB further states that the Operations Specifications issued to these operators specify that liferafts must be carried. Additionally, the NTSB notes that 14 CFR §§ 121.571 and 135.117 require that passengers be orally briefed about the location of survival equipment.

Specifically, the NTSB requests a determination as to: (1) whether a liferaft is considered "survival equipment" if the aircraft is so equipped; and (2) whether the pilot of the aircraft is required to brief passengers about the location of the liferaft.

Section 121.571, Briefing passengers before takeoff, states *in pertinent part* that:
(a) Each certificate holder operating a passenger-carrying airplane shall insure that all passengers are orally briefed by the appropriate crewmember as follows:
(1) Before each takeoff on each of the following:
(iv) The location and use of any required emergency flotation means.
(v) On operations that do not use a flight attendant, the following additional information:
(B) Location of survival equipment.

Section 135.117, Briefing of passengers before flight, states *in pertinent part* that:
(a) Before each takeoff each pilot in command of an aircraft carrying passengers shall ensure that all passengers have been orally briefed on—
(5) Location of survival equipment.

The FAA has historically considered a liferaft to be an item of survival equipment and has specifically characterized it as such in both its regulations and advisory material. Although § 91.509, Survival equipment for overwater operations, applies only to large and turbine powered multiengine airplanes and fractional ownership program aircraft, that regulation (subject to a limited exception for fractional ownership program aircraft) mandates that a liferaft must be carried as survival equipment on those airplanes flying over water for more than 30 minutes or 100 nautical miles from the nearest shore, whichever is less. Additionally, Advisory Circular (AC) 120-47, Survival Equipment for Use in Overwater Operations dated 6/12/87 states that it provides "information about the items which should be included in overwater equipment" and in paragraph 4.b lists "rafts or slide/rafts with appropriate buoyancy and sufficient capacity for everyone on board the aircraft and which have a boarding station" as recommended pieces of survival equipment for carriage.

The NTSB notes that while part 135 helicopter operators in the Gulf of Mexico are not required by regulation to carry liferafts because their operations do not meet the definition of extended over-water operation for helicopters, their Operations Specifications specify that they must carry liferafts. The FAA considers a piece of equipment specified for carriage on an aircraft by an Operations Specification to be "required," as an operator is required by §119.5 to conduct its operations in compliance with "the appropriate authorizations, limitations, and procedures specified in the operations for each kind of operation." Additionally, paragraph (g) of that section specifically prohibits a person "from operating in violation of, an appropriate certificate and operations specifications."

A determination as to whether a piece of survival equipment is required, however, has no effect in determining whether the location of a liferaft is required to be briefed to passengers. Neither §121.571 nor §135.117 makes a distinction as to whether the oral briefing provided to passengers applies only to "required" survival equipment. Such a distinction, however, is made in §121.571(a)(1)(iv) with regard to the briefing required to be provided for the location and use of emergency flotation means.

Accordingly, since the FAA considers a liferaft to be an item of survival equipment, for all operations conducted under part 135 all passengers must be orally briefed on the location of any liferaft carried aboard the aircraft before each takeoff in accordance with the provisions of §135.117(a)(5). For those operations conducted under part 121 that do not use a flight attendant, all passengers must be orally briefed on the location of any liferaft carried aboard the aircraft in accordance with the provisions of § 121.571(a)(1)(v)(B). However, since a liferaft required by Operations Specification is also considered a required emergency flotation means, §121.571(a)(1)(iv) requires that all passengers must be briefed on both its location and use regardless of whether a flight attendant is used in the conduct of the operation in accordance with the provisions of § 121.571(a)(1)(iv).

Although all passengers must be orally briefed, this briefing need not be specifically conducted by the pilot in command of the aircraft. For operations under part 121, paragraph (a) of §121.571 permits the oral briefing to be conducted "by the appropriate crewmember." For operations under part 135, paragraph (c) of §135.117 states that the briefing "shall be given by

the pilot in command or a crewmember," however for aircraft certificated to carry 19 passengers or less, paragraph (d) of that section permits the oral briefing "to be given by the pilot in command, a crewmember, or other person designated by the certificate holder and approved by the Administrator." Additionally, paragraph (f) of § 135.117 states that the briefing "may be delivered by means of an approved recording playback device that is audible to each passenger under normal noise levels."

This response was prepared by Paul Greer, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division (AFS-200) of the Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.