U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JUL 2 5 2017

Era Helicopters
Attention: Mr. Jamie Comar, Chief Pilot & Director of Training
600 Airport Service Road
P.O. Box 6550
Lake Charles, LA 70605

Re: Interpretation of 14 CFR 91.9(a) and 135.207 for helicopter operations conducted to offshore helidecks at night.

Dear Mr. Comar,

This letter is in response to your request dated March 22, 2017, in which you asked several questions relating to the following scenario:

> While conducting passenger-carrying operations in accordance with 14 CFR part 135, an IFR certified helicopter, operated by an IFR qualified and current crew, intends to depart from a remote offshore helideck at night, unaided. For this scenario, we are assuming that an IFR flight plan has been filed, and the appropriate IFR clearance has been received prior to takeoff. The departure profile includes a vertical climb, using a predetermined minimum power setting, to a [takeoff decision point (TDP)] of thirty feet above the helideck. Upon reaching TDP, and committing to departure, the flying pilot rotates to a nose-down, takeoff attitude and accelerates to Vmini (minimum speed IFR), while maintaining a positive rate of climb. During the acceleration from TDP, once outside of the influence of the lighted, offshore structure, and prior to reaching Vmini (approximately 3-6 seconds), visual surface light reference, as required by 14 CFR § 135.207, is not sufficient to maintain control of the aircraft. Aircraft control is being maintained solely by reference to the aircraft instruments, during the acceleration, prior to reaching Vmini.

First, you asked if the visual surface light reference of 14 CFR § 135.207 would apply during the 3-6 second acceleration time between TDP and Vmini on an IFR flight.

Section 135.207 states that "no person may operate a helicopter under VFR unless that person has visual surface reference or, at night, visual surface light reference, sufficient to safely control the helicopter." The flights you mention depart oceanic platforms at night

under an IFR clearance. The visual surface light reference requirement in 14 CFR § 135.207 is not applicable to such flights since that section only applies to VFR operations.

Second, you seek clarification on whether one should assume that the aircraft is "proceeding visually" under an IFR clearance while it accelerates to Vmini, if 14 CFR § 135.207 does not apply during IFR operations.

Every IFR operation involves a visual transition from a TDP to forward flight at or above Vmini, or from the landing decision point to a landing. The flight is proceeding visually under an IFR clearance as it departs and accelerates to Vmini. As noted in the final rule clarifying Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations, 79 FR 58672 (Sept. 30, 2014), the visual transition during which a flight proceeds visually, spans a relatively short distance and is a continuation of the IFR procedure. Flights departing under a valid IFR clearance from lift off, under weather that meets or exceeds takeoff minimums, can proceed visually under the IFR clearance because in such case there is no VFR segment.

Finally, you asked whether the Rotorcraft Flight Manual (RFM) Vmini limitation precludes controlling the helicopter solely by reference to the flight instruments during the acceleration from TDP to Vmini.

The RFM Vmini limitation for IFR operations is based on autopilot limitations and does not preclude controlling the helicopter solely by reference to the aircraft instruments while accelerating from TDP to Vmini.

We trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Francisco E. Castillo, General Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division (AFS-200) of Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

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Lake Charles, March 22, 2017

Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

RE: Interpretation of 14 CFR Parts 91.9(a) and 135.207 for helicopter operations conducted to offshore helidecks at night.

Dear Sir or Madam:

Helicopters commonly conduct IFR, passenger-carrying operations to offshore platforms in remote locations, at distances of over 200 nautical miles from shore. When conducting these operations at night, the remoteness of the offshore environment limits the availability of visual surface light references to flight crews.

I would like to request an FAA legal interpretation of 14 CFR Parts 135.207 and 91.9(a) in regards to the following scenario.

Scenario:

While conducting passenger-carrying operations in accordance with 14 CFR §135, an IFR certified helicopter, operated by an IFR qualified and current crew, intends to depart from a remote offshore helideck at night, unaided. For this scenario, we are assuming that an IFR flight plan has been filed, and the appropriate IFR clearance has been received prior to takeoff. The departure profile includes a vertical climb, using a predetermined minimum power setting, to a TDP (takeoff decision point) of thirty feet above the helideck. Upon reaching TDP, and committing to the departure, the flying pilot rotates to a nose-down, takeoff attitude and accelerates to Vmini (minimum speed IFR), while maintaining a positive rate of climb. During the acceleration from TDP, once outside of the influence of the lighted, offshore structure, and prior to reaching Vmini (approximately 3 – 6 seconds), visual surface light reference, as required by 14 CFR §135.207, is not sufficient to maintain control of the aircraft. Aircraft control is being maintained solely by reference to the aircraft instruments, during the acceleration, prior to reaching Vmini.

In light of the scenario as described above:

1. Does the visual surface light reference requirement of 14 CFR §135.207 (VFR: Helicopter surface reference requirements) apply during the acceleration time between TDP and Vmini on an IFR flight?
2. If 14 CFR §135.207 does not apply during IFR operations, then it is assumed that the aircraft is "proceeding visually" under an IFR clearance, as it departs the takeoff surface and accelerates to

Vmini. As previously stated, the aircraft is being controlled solely by reference to the flight instruments during this acceleration. Is this an acceptable means of "proceeding visually"?

3. Does an RFM Vmini limitation preclude controlling the helicopter solely by reference to the aircraft instruments, during IFR helicopter, offshore departures, while accelerating from TDP to Vmini?

Thank you for your attention to this matter.

Sincerely,

Jamie Comar
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Atch:

1. Email – Era Helicopters request clarification on 14 CFR 91.9(a) and 135.207
2. RFM Excerpts – Limitations