

Congress of the United States
House of Representatives
Washington, DC 20515
October 22, 2015

The Honorable Michael P. Huerta
Administrator, Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Huerta,

We write in regards to your letter to the National Transportation Safety Board (NTSB) Chairman Christopher Hart dated September 28, 2015 and to thank you for your willingness to start the rulemaking process. We encourage a holistic and thorough rulemaking and for the process to be completed in a timely manner.

The antiquated safety standards for helicopter fuel systems and the inadequate federal oversight is incredibly troubling. Earlier this year, a Flight for Life helicopter leaving St. Anthony's Summit Medical Center in Frisco, Colorado swerved erratically and crashed into a truck and travel camper parked in a nearby lot. The Airbus AS350 – which was less than a year old – ignited immediately. Flames engulfed the aircraft – killing the pilot and critically injuring two flight nurses. Matt Bowe, one of the flight nurses aboard, has been released from the hospital while the other, Dave Repsher, continues to fight for his life at the University of Colorado's Burn Center. Pilot Patrick Mahany, a father and decorated Vietnam War veteran, lost his life in the crash.

Spectators and experts claim the crash alone appeared to be survivable, and argue it was the resulting fire that likely led to Mr. Mahany's death. It has since been discovered the Flight for Life helicopter was not fitted with a crash-resistant fuel system (CRFS).

The CRFS was developed over 30 years ago to prevent fuel leakages, and thus post-crash fires in the event of a helicopter crash. The United States Army took the lead in equipping its fleet with CRFS – a move that led to a 66 percent reduction in post-crash fires, a 75 percent reduction in thermal injuries, and a 100 percent reduction in thermal fatalities in otherwise survivable crashes.

FAA findings have reaffirmed that a “large percentage” of U.S. civil rotorcraft accidents were potentially survivable, and the predominant hazard to occupant survival was a post-crash fire.” The NTSB, however, recently estimated that nearly all civil helicopters manufactured in the U.S. before 1994, and as many as 85 percent of those manufactured since, do not have crash-resistant fuel systems.

In October of 1994, the FAA updated its safety regulations for using CRFS systems. The new standard required that CRFS be installed in all newly designed, but not newly manufactured, civil rotorcraft; creating a broad, implicit exemption for any newly-manufactured helicopter built within a model that predates October 1994. Inevitably, this exemption has resulted in continued

manufacturing of brand new helicopters with antiquated, dangerous fuel systems, such as the year-old Flight for Life helicopter that crashed in Frisco this summer.

On July 23, 2015 – in recognition of the significant oversight in CRFS standards that remain – the NTSB sent a ‘Safety Recommendation’ to the FAA that read in part:

“Require, for all newly manufactured rotorcraft regardless of the design’s original certification date, that the fuel systems meet the crashworthiness requirements of 14 Code of Federal Regulations 27.952 or 29.952, “Fuel System Crash Resistance.”

On behalf of Mr. Mahany, his family, and his critically injured colleagues, we would like to echo the NTSB’s recommendation and express our support for the FAA’s willingness to move forward with a holistic approach to protect the lives of our first responders and other helicopter passengers. The federal government has a moral imperative to act when the loss of life can be avoided, and we applaud the leadership taken by our federal partners to do so.

We, however, feel it is critical that the FAA act with expediency. Rulemakings often take years, and while diligence is important to this process it is also imperative we begin addressing these needless deaths immediately. As members of the Colorado delegation, we respectfully request your full commitment to move through this particular rulemaking, while maintaining all integrity and safety, as quickly as possible.

Thank you for your attention in this critical matter.

Sincerely,



Jared Polis
Member of Congress



Ed Perlmutter
Member of Congress