

AVIATION AND UNMANNED AERIAL VEHICLES

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WHAT TO KNOW BEFORE YOU GO: IMPORTANT ISSUES FOR CHARTERING A HELICOPTER OR AIRCRAFT

Flying on chartered aircraft should be one of the safest and most convenient ways to travel. Most charter operators have safety records that rival commercial airlines, however, not all charter operators are created equal.

The following is a summary of the key go and no-go issues that should be considered by any individual or entity chartering a helicopter or aircraft:

Selecting an Air Charter Operator

There are multiple advertising outlets, via the internet, that advertise for various charter operators, and of course, people who take charters often refer friends and acquaintances to the charter operator based upon their experience. There are also entities known as air charter brokers that exist to link interested charter customers with charter operators.

Such resources and referrals may help you locate a charter operator. However, those resources and referrals will not necessarily help you with the due diligence and vetting process you need to determine which charter operator meets the appropriate standards to help ensure a safe and comfortable flight.

Due Diligence Vetting for Air Charter Operators

It is best to evaluate any charter operator that you are considering using to charter a helicopter or aircraft to determine if those appropriate standards have been met. A charter operator should:

- Maintain an Argus Gold Plus (or Platinum) rating, Wyvern Wing Man Certificate, IS-BAO registration, or Air Charter Safety Foundation registration
- Have an emergency response plan and safety management system that can be reviewed by advisors to the charter customer, i.e. Does the emergency response plan provide family assistance coverage and related services for passengers?
- Meet qualification and flight time experience minimums, i.e. standard recommendation is to have two qualified pilots for a charter flight
- Agree in the designated charter agreement to notify customer following a change in the charter company's ownership or change in any of the FAR Part 119.69 required management personnel

HIGHLIGHTS

Take a safety first approach to selecting a charter company, before engaging their services, including requesting a two-pilot flight crew

Address any risk management issues such as the charter operator's rating, availability of an emergency response plan and that appropriate aviation insurance coverage is in place

Consider necessary confidentiality requirements that should be adhered to for your personal and business privacy

- Maintain insurance and provide a certificate of insurance, in advance, to the charter customer listing the charter customer as an additional insured with liability insurance combined single limit for each occurrence of not less than \$300 million. (Note: It should be possible to get \$300 million or more of insurance coverage for a charter operator.)
- Not additionally serve in the role of Director of Safety or Flight Safety Officer, if he or she is the Director of Operations or Chief Pilot

Confidentiality

Many high-profile individuals prefer not to have their travel publicized. An appropriate confidentiality provision in the charter management agreement could address such issues, i.e. prohibition of crew members or employees of the charter company publishing photographs or other information of the passengers and their families, along with the appropriate enforcement provisions for any breach of confidentiality.

International Flights

The charter operator flying to, from and within the countries that will be visited should be evaluated. This would include determining if the charter operator has any specific safety and security measures when conducting operations in a region that may require enhanced security.

Access to WiFi

Many charter aircrafts have WiFi available for passengers. Passengers should consider the internet security protocol maintained by the charter operator, in determining whether to use it, which could include reviewing the charter operator's internet security program and requesting a history regarding any incidents, such as hacking or leaks.

Determining the Charter Operator's Level of Customer Service

Are the flight crew, flight attendants and other employees trained for customer service? Does the charter operator measure customer satisfaction on a regular basis?

The charter operator should be able to explain how they would accommodate a customer if a maintenance problem or other situation arises, which would cause a need to modify the flight arrangements. In addition, the charter operator should clearly indicate how a complaint can be filed, and whether or not there is someone available 24-7 to assist a customer should a complaint or concern arise.

To obtain more information, please contact the Barnes & Thornburg attorney with whom you work, or the Aviation Practice Group chair, Clifford G. Maine, at 616-742-3944 or cmaine@btlaw.com, or vice chair, Todd A. Dixon, at 616-742-3959 or tdixon@btlaw.com.

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