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Tracking Air Ambulance Flight Data

The Cost of Speed

Surviving the Post-Crash, Part 3



**After 10 Years,
Have We Failed?**

Meet the Contributors



JOSEPH AMBROGNE

Joseph Ambrogne is the technical editor of *R&WI*. He earned a bachelor's degree in English from Christopher Newport University in Newport News, Virginia, and spent eight years as a technical writer in the software and manufacturing industries. He holds a commercial pilot license and instrument rating.



PAT HOST

Associate Editor Pat Host, in five years with our sister publication *Defense Daily*, has developed a stable of inside sources to gain access to sensitive documents and stories that impact readers. He has conducted one-on-one interviews with high-ranking members of the U.S. Congress and American military and executive branch officials, with a focus on breaking down official policy statements, memos and complex scientific information.



FRANK LOMBARDI

An ATP with both fixed-wing and rotary-wing ratings, Frank began his flying career in 1991 after graduating with a bachelor's degree in aerospace engineering. He worked on various airplane and helicopter programs as a flight test engineer for Grumman Aerospace Corp. Frank became a police officer for a major East Coast police department in 1995 and has been flying helicopters in the department's aviation section since 2000.



WIM DAS

Wim works with Kees Otten for the publishing company Dutch Aviation Media, a project they began as a hobby 15 years ago. Wim, a customer care technician at his local postal service, contributes the editing, photography and organization of visits to aviation operations around the world. Together with a team of four other contributors, Wim and Kees deliver articles to various leading European aviation magazines.



KEES OTTEN

Kees is a medical analyst at the Leiden University Medical Center in the Netherlands and also the primary author for Dutch Aviation Media. The project brings him and Wim Das to countries all over the world to write articles and provide photography on aviation operations. Wim and Kees are permanent staff members and contributors to magazines in the Netherlands, Italy and Hungary.



ARTHUR J. NEGRETTE

Arthur J. Negrette is a Sacramento, California-based lawyer with a practice limited to aviation law. In addition, he has completed more than 30 years flying both airplanes and helicopters for various military and civil organizations.



LEE BENSON

Benson is the retired senior pilot for the Los Angeles County, California Fire Department. Before he was named senior pilot, Benson ran the aviation section's safety and training programs, including organizing the section's yearly safety meeting with other public agencies and the press.



REX J. ALEXANDER

Rex Alexander is a 30-year veteran of military, general and commercial helicopter and fixed-wing aviation. Currently a senior consultant, member and co-founder of HeliExperts International, he also serves—among other positions—as a member of the National Fire Protection Assn. committee on the NFPA 418 standard for heliports and HAI's Heliport Committee.



LARRY MATTIELLO

Larry Mattiello is the director of aviation for Specialty Aviation Underwriters and co-founder of PalMatt Aviation Safety and Risk Management LLC. He began his aviation career 36 years ago and specializes in general aviation and helicopter insurance and safety and risk management. Larry is a commercial/instrument pilot.



RICHARD WHITTLE

Richard Whittle has authored two aviation books, *The Dream Machine: The Untold History of the Notorious V-22 Osprey* and *Predator: The Secret Origins of the Drone Revolution*. He is a global fellow in international security studies at the Woodrow Wilson International Center in Washington, D.C., and a Verville Fellow at the Smithsonian Institution's National Air and Space Museum.

Heliport INSURANCE

There are various heliport insurance options that appropriately cover each unique heliport operation.
Photos courtesy of Iridescent/Wikicommons, Forest and Kim Starr, Andy C/Wikicommons





Covering risks at your heliport requires an assessment of how and by whom your facility is used.

By Rex Alexander and Larry Mattiello



Photos courtesy of Rex Alexander

Heliports face a range of risks and liability exposures in their daily operations, not all of which might be apparent at first. This information is intended to serve as an introduction to help facilitate discussions between legal counsel, risk managers and insurance brokers when reviewing and evaluating liability exposures and coverage needs for any given heliport location.

All specific aspects and questions regarding this subject matter should be directed to a reputable and licensed insurance firm with experience in the geographical area where the heliport is located which specializes in aviation matters.

There are a number of questions that heliport owners should ask in preparation for discussing their insurance needs. For starters, what type of operations will be conducted at the heliport, and who owns the aircraft operated at that location?

Other questions concern the services offered at a heliport. Will fueling operations be provided or conducted at the heliport? Will maintenance be conducted there? Will aircraft be stored or kept on the premises? Will third-party flight operations be conducted at this location?

Heliport owners also should address the requirements and standards covering their respective facilities. In the U.S., for instance, does the facility meet the codes and regulations established by the FAA, National Fire Protection Assn., International Building Code, International Fire Code and the federal Occupational Safety and Health Administration? What are local and state requirements and limitations for insurance coverage?

In addition, heliport owners should ask themselves, "If there is an instrument approach, who owns it, and who will use it?" and "Is there ground-to-air radio communications provided on-site?"

Contingent on the types of operations conducted at a heliport location, there are (at a minimum) four basic types of coverage owners should evaluate and review for applicability beyond standard coverage. This should by no means be considered a complete list of potential coverage and requirements, and one should seek professional assistance from qualified legal counsel and claims adjusters. The four basic types of insurance are: non-owned aircraft liability insurance, aviation-related activities and heliport liability insurance, ground hangar keepers liability insur-

ance, and products and completed operations coverage insurance.

Non-Owned Aircraft Liability Insurance

In cases where an entity contracts with an outside vendor for flight services or provides a heliport for third-party flights, there might be an additional need for specialized insurance coverage.

While it is understood that helicopter operators are responsible for carrying primary "aircraft hull" and "liability" insurance, heliport owners have a potential "non-owned aircraft liability" exposure should an accident occur while the aircraft is in flight to or from his or her premises or while it is parked on site at those premises. When dealing with any third-party aircraft or helicopter operator, prudent risk management practices dictate that as a starting point, heliport owners should require certificates of insurance from all aircraft/helicopter operators operating at their facilities. Private heliport owners who contract with or allow other entities to utilize their facilities may also want to set standards for acceptable insurance company paper, i.e., A.M. Best or S&P ratings.

Aviation-Related Activities and Heliport Liability Insurance

While some heliport owners believe their commercial general liability (CGL) policy covers any risk exposure they might have, there might be an exclusion "in connection with aviation activities" within the CGL policy or umbrella policy. That exclusion needs to be addressed.

Many CGL policies might treat a heliport as an extension of the property or as another location, and coverage might include care and maintenance of the heliport. However, any type of aviation-related activity exclusion might create gaps in coverage.

There are a large number of insurance claims every year associated with the ownership or operation of heliports involving debris sent flying when helicopters land or take off. Loose dirt or stones do get kicked up quite regularly and have been known to damage nearby vehicles or injure pedestrians.

An additional consideration would be damage to a third party's property, such as damage to a helicopter while it is on the insured's heliport due to the insured's negligence.

Heliports are oftentimes situated in close



proximity to buildings, vehicles or pedestrian walkways and, in some cases, located on building rooftops. Although heliports are a significant benefit to operational convenience, they can increase risk and liability exposure in the case of a tragic accident occurring on or in the vicinity of the heliport.

Ground Hangar Keepers Liability Insurance

This coverage is for locations where a helicopter is based or remains for an extended period of time or for longer than normal use. The coverage provides for aircraft that are not owned by the heliport owner, but the heliport owner may be held liable while the helicopter is at his or her facility and in his or her custody.

In the case of tampering with a helicopter or causing inadvertent damage to a helicopter at a heliport due to a security breach, which in turn is proven to be a contributing factor in an accident, the owner of the heliport could face a significant liability exposure.

Damaging or disabling any aircraft, whether it be done inadvertently, accidentally or maliciously by stealing radios, navigation equipment, autopilots, engines, rotors, fuel or any other parts, is in most cases a felony and a federal offense punishable by fines of up to \$10,000, imprisonment for 20 years or even death, if such a theft causes an accident resulting in loss of life.

Products and Completed Operations Coverage Insurance

At heliport locations that provide fueling or maintenance for aircraft that land at their sites, this coverage protects the owner from indirect or contingent liability. While products liability can be included in the basic general liability coverage form, it can also be written on its own. Primarily it is designed to cover the policy holder against claims stemming from products sold, manufactured or distributed such as fuel.

There are additional liability considerations.

One concerns instrument approaches. If there is an approved instrument approach provided for at a heliport, whoever owns and maintains the approach will be generally covered under standard operations and in aircraft for which they are operating under their certificate. If a third party is allowed

to utilize the instrument approach procedure to the heliport without significant prior coordination between both parties' legal counsel and claims representatives, it is very likely that the heliport owner will not be covered in the case of a mishap.

Another concern relates to radio communication systems.

In cases where a heliport has an on-site ground-to-air radio communication system, also known as a Common Traffic Advisory Frequency, or CTAF, great care must be taken as to what information is offered over the radio to pilots. Only certified air traffic controllers, operating under FAA regulatory guidelines and licensure may provide air traffic direction.

Heliport owners without an FAA-certified air traffic control system and properly licensed personnel may only pass along advisory information. Flight operations and safety of flight considerations are up to the pilot-in-command of each aircraft.

Heliport owners who have radio systems that are used to communicate with aircraft operating at their facilities should ensure that their staff and agents have been provided proper, documented training and that they understand these communication limitations.

Punitive Damages

Though punitive damage awards are relatively rare in aviation personal injury cases, this does not mean that these types of claims should be disregarded. Owners should seek counsel from legal representation along with claims professionals when considering punitive damage awards for an accident at a specific location.

These types of claims go to a plaintiff alleging "willful," "reckless" and "outrageous" conduct on the defendant's part. If a jury can be convinced that a heliport was knowingly and recklessly designed, constructed or operated, exposure to a punitive damages suit can increase significantly.

It is very important to note that each jurisdiction will differ as to what damages may be recovered and what, if any, caps are imposed for insurance on punitive damages. States also differ on the methodology required by a plaintiff to prove punitive damages. For these reasons, thorough research in regards to site-specific regulations, limitations and compliance through legal counsel is highly recommended. 🛩️