

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

FOR RELEASE: 6:30 P.M., E.D.S.T., APRIL 14, 1975

ISSUED: April 14, 1975

Forwarded to:

Mr. James E. Dow
Acting Administrator
Federal Aviation Administration
Washington, D.C. 20591

SAFETY RECOMMENDATION(S)

A-75-30 thru 32

On January 6, 1974, an Air East, Inc., Beechcraft 99A crashed while making an instrument approach to runway 33 at the Johnstown-Cambria County Airport, Johnstown, Pennsylvania. Air East was certificated as an air taxi/commercial operator under 14 CFR 135 and was registered by the Civil Aeronautics Board (CAB) as an exempted commuter air carrier under 14 CFR 298. Air East had a contractual agreement with Allegheny Airlines, Inc., to provide replacement air services at Johnstown, which was approved by CAB in its Order 70-1-23.

The National Transportation Safety Board's investigation revealed several operational irregularities that have serious safety implications:

1. The aircraft's load manifest showed less fuel than was actually aboard. Company personnel testified that it was a regular practice to enter low fuel weights when carrying a full passenger load to show that the aircraft was within weight and balance limits.
2. The records of the captain and first officer indicated that they received the initial qualification check required by 14 CFR 135.138 from the designated company check pilot. Actually, the checks were given by the vice president for operations, who was not qualified to perform this duty.

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3. Some former Air East pilots testified that the minimum descent altitudes (MDA) for the published instrument approaches to Johnstown were not adhered to. They stated that the company vice president for operations cleared individual captains for "company minimums" when he was satisfied that the captain was capable of flying the aircraft to lower MDA's. These "company minimums" involved MDA's of about 200 feet whereas the published MDA was 669 feet.

A Federal Aviation Administration Systems Worthiness Analysis Program (SWAP) team inspected Air East maintenance facilities in May 1973, and a SWAP operations team inspected Air East's operations facilities in November 1973. No major discrepancies were found during either inspection.

In 1972, the Safety Board conducted a special study of air taxi/commercial operators and issued a report: "Air Taxi Safety Study," Report No. NTSB-AAS-72-9, September 27, 1972. As a result of the study, we made numerous recommendations to the FAA concerning the inadequacy of 14 CFR 135, particularly when applied to commuter air carriers operating under the exemptions and provisions of Part 298 of the CAB regulations. The thrust of our recommendations was that a distinction should be made between air taxi/commercial operators and commuter air carriers, particularly with regard to commuter-type operations used in replacement service for scheduled carriers over certain routes. The distinction should be provided for in the FAR's in the form of more stringent safety rules and increased FAA surveillance for commuter air carriers. The FAA has not yet revised Part 135 to reflect this distinction. We are advised that a Notice of Proposed Rule Making (NPRM) to that effect is scheduled for publication in September 1975. The Safety Board hopes that this schedule will be met.

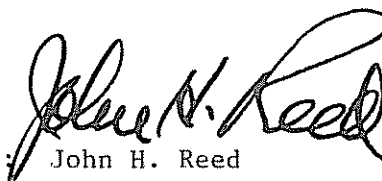
We are aware of the complexities involved in redrafting 14 CFR 135 to increase its safety aspects without imposing undue economic burdens. We are also aware of the difficulties of developing and implementing effective inspection and surveillance procedures. However, this accident reemphasizes the urgency and pertinency of our 1972 recommendations and the inadequacy of the FAA's normal surveillance programs.

Accordingly, the National Transportation Safety Board recommends that the Federal Aviation Administration:

1. Effective immediately, in conjunction with CAB consideration of an application for replacement service, certify the applicant's safety fitness based on an actual physical investigation of the proposed replacement operator's managerial and operational capability to provide a level of safety in the intended service equivalent to that required of the certificate of Convenience and Necessity holder. The safety standards against which the replacement operator's managerial capability are judged should be similar to those in 14 CFR 121.59 and 121.61, with emphasis on 121.59 (b). (Class I.)
2. When certificating or recertificating a replacement operator, apply standards equivalent to those applied in authorizing Part 121 operators to use small airplanes in scheduled service as provided by 14 CFR 121.9. (Class III.)
3. Increase the effectiveness of procedures for surveillance of commuter airline operations by adopting procedures now employed in the surveillance of scheduled air carriers, including the assignment of the responsibility to the appropriate air carrier district offices. (Class II.)

Personnel from our Bureau of Aviation Safety office will be made available if any further information or assistance is desired.

REED, Chairman, McADAMS, THAYER, BURGESS, and HALEY, Members, concurred in the above recommendation.


By: John H. Reed
Chairman

THESE RECOMMENDATIONS WILL BE RELEASED TO THE PUBLIC ON THE ISSUE DATE SHOWN ABOVE. NO PUBLIC DISSEMINATION OF THE CONTENTS OF THIS DOCUMENT SHOULD BE MADE PRIOR TO THAT DATE.