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NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: July 5, 1979

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Forwarded to:

Honorable Langhorne M. Bond  
Administrator  
Federal Aviation Administration  
Washington, D.C. 20591

SAFETY RECOMMENDATION(S)

A-79-55

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On January 3, 1978, at 1923 e.s.t., a Twin Cessna, N41037, en route from Fort Lauderdale, Florida, to Frankfort, Illinois, crashed into a mountain south of McGhee - Tyson Airport, Knoxville, Tennessee. The flight was VFR and was descending out of 10,500 feet for a refueling stop at McGhee - Tyson Airport. The flight had been receiving VFR advisory service from Atlanta ARTCC and was transferred to Knoxville Approach Control, which provides Stage-III radar service. The approach controller, who had the aircraft in radar contact, issued the Knoxville altimeter setting and told the flight to plan a left base for runway 22L. Knoxville approach control then made the following transmission: "Descend at your discretion just not below 2,500 until advised. You're 34 miles south of the airport." Shortly after this transmission the aircraft struck the side of a mountain at the 3,800-foot level, 1,300 feet above the altitude mentioned in the instruction. The weather was VFR and witnesses reported that "it was a dark night."

The National Transportation Safety Board is aware of the pilot's responsibilities for insuring terrain clearance during VFR flight, but our review of Air Traffic Control handbook 7110.65A has led us to believe that it is vague concerning guidance to controllers for altitude assignments from facilities with Stage-III radar service. This procedure currently states that altitude assignments should be issued "consistent with the provisions of FAR 91.79," with the following note:

"The minimum safe altitudes are (1) over congested areas, an altitude at least 1,000 feet above the highest obstacle, and (2) over other than congested areas, an altitude at least 500 feet above the surface."

Actually, 14 CFR 91.79 contains some exceptions, such as takeoff, landing, and helicopter operations. The restriction of "at least 500 feet above the surface" is also modified by the phrase, "except over

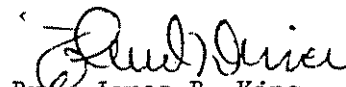
open water or sparsely populated areas." This accident occurred in a sparsely populated area.

The Safety Board believes that although 14 CFR 91.79 appears adequate for pilots, the reference to it in the Air Traffic Control handbook in this context is unsuitable for use by controllers. We believe that any altitude assignments or instructions involving altitudes issued to VFR aircraft should be based on information currently in use by controllers such as the minimum vectoring altitude or the minimum en route altitude. We believe then that if a VFR aircraft is issued an altitude assignment or instruction containing an altitude, that altitude should afford terrain protection comparable to that received by an IFR aircraft.

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

Revise Air Traffic Control Handbook 7110.65A so that a VFR aircraft issued an altitude assignment or instruction is provided terrain protection comparable to that received by an IFR aircraft. However, sufficient latitude should be provided in the handbook so that the controller may approve a request of a pilot who wishes to exercise the provisions of and exceptions to 14 CFR 91.79. (Class II, Priority Action) (A-79-55).

KING, Chairman, DRIVER, Vice Chairman, McADAMS, and GOLDMAN, Members, concurred in the above recommendation.

  
By James B. King  
Chairman