

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: October 2, 1974

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Forwarded to:

Honorable Alexander P. Butterfield  
Administrator  
Federal Aviation Administration  
Washington, D. C. 20591

SAFETY RECOMMENDATION(S)

A-74-84

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On December 15, 1973, an Aircraft Pool Leasing Corporation Super Constellation L-1049H, N6917C, crashed into a residential area shortly after taking off from Miami International Airport, Miami, Florida. It was a cargo flight which was originally planned to operate under the provisions of 14 CFR 91 Subpart D.

The National Transportation Safety Board's investigation of the accident revealed deficiencies similar to those which, in October 1970, prompted the Secretary of Transportation to direct the Assistant Secretary for Safety and Consumer Affairs to conduct an indepth investigation of charter operations which use large aircraft. The assigned task force published its findings and recommendations on February 5, 1971, in "A Report to the Secretary on Investigation of Charter Aircraft Services" (The Smith Report).

As a result of one of the task force's recommendations, a truth-in-leasing clause was required in leases and conditional sales contracts (14 CFR 91.54). The intent of the provision was to assure that a potential lessee is aware of the responsibilities of being the operator of an aircraft.

The truth-in-leasing clause requires that a copy of the charter or lease contract be mailed to the FAA Flight Standards Technical Division at Oklahoma City, Oklahoma, within 24 hours of its execution. Since the copy of the agreement arrives in Oklahoma City after the flight is completed, preflight surveillance is impossible. Therefore, safety is not served by compliance with this regulation.

1347-B

After the Aircraft Pool Leasing accident on December 15, 1973, the Miami GADO initiated an intensive 24-hour surveillance program of all 14 CFR 91 large aircraft operating from Miami International Airport. Although some operators have evaded surveillance by relocating their operations, the program has provided more effective surveillance and deterred illegal operations. The Safety Board realizes that an expansion of this program to other major airports would impose an excessive demand on FAA manpower and create an unreasonable imbalance in its safety program.

Consequently, the Safety Board believes that the FAA inspection office in the locale where the operator proposes to originate a flight subject to 14 CFR 91 Subpart D, could more effectively exercise surveillance if those offices were alerted by timely notification of the planned operation. If this were done, it would obviate the need for a continuous surveillance program and permit FAA to conduct this program on a planned basis.

The following discrepancies found in the investigation of the Miami accident might have been detected and the flight forestalled by FAA surveillance following an advanced notice of the operation:

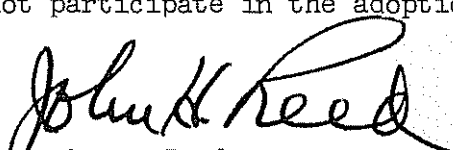
- (1) The first officer did not meet the second-in-command provisions of 14 CFR 91.213.
- (2) The flight engineer did not meet the minimum flight time requirements of 14 CFR 91.211.
- (3) The cargo was not secured as required by 14 CFR 91.203.

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

Amend 14 CFR 91.54 to require that the lessee or the conditional buyer give notice of the proposed departure time, date, and place, no later than 24 hours before the proposed departure time, to the Flight Standard District Office, General Aviation District Office, or Air Carrier District Office nearest to the airport where the flight will originate.

Members of our Bureau of Aviation Safety will be available for consultation in the above matter if desired.

REED, Chairman, THAYER, BURGESS, and HALEY, Members, concurred in the above recommendation. McADAMS, Member, did not participate in the adoption of this recommendation.

  
By: John H. Reed  
Chairman