

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:

Honorable Richard J. O'Melia
Acting Chairman, Civil Aeronautics Board
Washington, D.C. 20428

SAFETY RECOMMENDATION(S)

A-75-33 & 34

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. Eleven passengers and one crewmember were killed in the accident.

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 was providing service to Johnstown pursuant to a contractual agreement with Allegheny Airlines, Inc. The agreement was approved by the CAB in its Order 70-1-23.

The National Transportation Safety Board's investigation of the Air East accident revealed a number of operational irregularities that have serious safety implications. These irregularities included improper weight and balance configurations, improper flight check practices, and the use of unauthorized instrument approach procedures.

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. Also, we made several recommendations to the CAB, one of which dealt with the safety fitness of an air taxi commuter operator who is under consideration by the CAB to provide replacement service. Specifically, we recommended that:

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"The CAB, in proceedings involving the suspension of service by a certificated carrier and the substitution of service by an air taxi commuter operator, request of the FAA a written safety evaluation of such operator; make a specific finding as to the operator's safety fitness; and place the FAA evaluation in the public docket of such proceeding. The safety evaluation by the FAA should include all accident data concerning such operator available in the files of the NTSB (Recommendation A-72-193)."

We are pleased that the CAB has taken measures to implement the Safety Board's recommendation cited above. However, we now have reason to believe that even more stringent measures are required to determine the safety fitness of a prospective replacement commuter carrier. Consequently, we recommend that the CAB:

1. Effective immediately, in conjunction with an application for replacement service, request that the FAA certify the proposed replacement operator's managerial and operational capabilities, to provide a level of safety in the intended service equivalent to that required of the holder of the Certificate of Convenience and Necessity. The safety standards against which the replacement operator's managerial capability is judged should be similar to those in 14 CFR 121.59 and 121.61, with emphasis on 121.59(b). (Class I.)

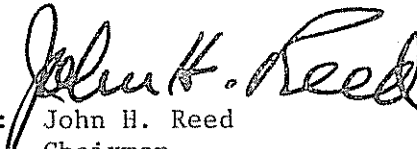
The Safety Board's investigation of the Air East accident also noted that commuter carriers that provide replacement service over a number of Allegheny Airlines' routes use the trademark "Allegheny Commuter" and the Allegheny logotype on their airplanes and other facilities.

We further note that of 26 commuter carriers providing replacement service for certificated carriers, 11 are under contract with Allegheny and all of these 11 use, or are authorized to use, the Allegheny trademark and logotype. Moreover, these 11 commuter carriers are identified in the Official Airline Guide (OAG) by Allegheny flight numbers and a notation that the service is provided by a commuter air carrier pursuant to a CAB approved agreement. The commuter air carrier is not identified in the OAG, nor are its operations or maintenance programs monitored or supervised by Allegheny.

The Safety Board believes that the replacement commuter carrier's use of the certificated carrier's trademark and logotype implies that similar levels of safety exist within the two separate organizations. This may not be the case as was made evident during the investigation of this accident. Consequently, the Safety Board recommends that the CAB:

2. Not permit the replacement air taxi commuter carrier to display the certificated carrier's trademark or logotype unless the certificated carrier assumes a supervisory role for the safety of the commuter operations, including training and maintenance. (Class III).

REED, Chairman, McADAMS, THAYER, BURGESS, and HALEY, Member, concurred in the above recommendations.


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.