

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: May 10, 1972

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D. C.  
on the 19th day of April 1972

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FORWARDED TO: )  
Honorable John H. Shaffer )  
Federal Aviation Administration )  
Department of Transportation )  
Washington, D. C. 20591 )  
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SAFETY RECOMMENDATIONS A-72-51 thru 55

Investigation of the air taxi accident of Chicago & Southern Airlines, Inc., on October 21, 1971, in the vicinity of Peoria, Illinois, disclosed regulatory areas that require consideration for corrective action.

The National Transportation Safety Board believes the following areas require review by the Federal Aviation Administration:

A. BACKGROUND INVESTIGATION OF APPLICANTS FOR ATCO CERTIFICATES AND CHECK PILOT AUTHORITY

With the expansion of scheduled air taxi operations, and with many of the air carriers having a form of interline agreement with scheduled air taxi operators, the Board believes that there is a need for increasing the requirements for a background investigation of Part 135 operators to improve the overall safety of their operations.

Review of the Federal Aviation Administration Commuter and V/STOL Air Carrier Handbook (8430.1A) did not disclose adequate guidelines for a background investigation of a check pilot applicant or a requirement to consider the background of an applicant for an ATCO certificate. Without specific requirements that such checks be accomplished, the possibility exists that an applicant who has a record of below standard safety performance and who has been cited with numerous FAR violations may be issued an ATCO certificate or be given check pilot authority.

To augment a background query, a central clearinghouse within the FAA is needed where information would be maintained on a company/applicant name cross-reference basis for violations of the regulations and for involvement in accidents and incidents. At the present time, a General Aviation District Office (GADO) or an inspector has no expedient method to collect such data for consideration.

Review of Federal Aviation Regulation Part 135 disclosed that there is no provision giving a GADO authority to refuse to issue an ATCO certificate, on the same basis for which one could be suspended or revoked. The Board believes that such authority is paramount to facilitating adequate safety guidance and control.

The Safety Board recommends that:

1. Explicit requirements for background investigation of applicants for ATCO certificates and check pilot authorization be incorporated into the Commuter and V/STOL Air Carrier Handbook (8430.1A).
2. A central facility be provided within the FAA where information would be maintained on a company/applicant name cross-reference basis for violations of the regulations and for involvement in accident and incident data.
3. The FAA promulgate a provision in FAR Part 135 giving a GADO the authority to refuse an ATCO certificate on the same basis for which one could be suspended or revoked.

B. USE OF AVERAGE PASSENGER WEIGHTS VERSUS ACTUAL OR DECLARED WEIGHTS

In the course of the investigation it was noted that the operator was authorized in his Operations Specifications to use average, assumed or estimated passenger weights in computing the weight and balance of the aircraft. Review of past history reveals that small aircraft are extremely critical to weight-and-balance variances, and that the majority of accidents for which weight and balance was assessed to be in the causal area occur to small aircraft.

The operational difficulties in making advance reservations, or in maintaining an economically feasible schedule if actual scaled passenger weights are made a requirement is recognized. Therefore, the Board recommends that:

4. The Federal Aviation Administration require the use of either actual scaled or passenger declared weights for those aircraft under 12,500 pounds that are employed in commercial or air taxi operations. The use of declared weights should be restricted to those operators receiving specific authority from the FAA.

C. FLIGHT TIME LIMITATIONS

Investigative findings and hearing testimony pertaining to flight time and flight time violations disclosed that FAR Part 135 does not prescribe maximum yearly or monthly flightcrew flight time limitations, nor does it prescribe a 7-day duty time limitation.

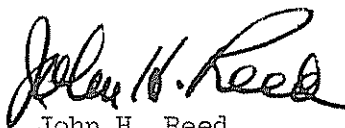
Although there is no definitive measure for pilot fatigue or positive method to determine that an accident was fatigue induced, the Board believes that pilot fatigue does cause accidents. Therefore, there is a need for practical flight time limitations, especially for commercial operations. Under the present provisions of FAR 135.136, a pilot can fly as much as 310 hours in a 31-day period. Reference to FAR 121.503 (Flight time limitations pilots airplanes) reflects that it limits pilots of supplemental air carrier and commercial operators, that operate under the provisions of FAR 121, to 100 hours during any 30 consecutive days and 1,000 hours during any calendar year. These limitations were adopted for the primary purpose of preventing fatigue-induced errors by commercial flightcrews of large aircraft. The Board believes that similar limitations should also apply to Part 135 operators. Therefore, the Safety Board recommends that:

5. The Federal Aviation Administration revise FAR 135 to provide adequate flight and duty time limitations.

Our technical staff is available for any further information or clarification if required.

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.

Reed, Chairman; Laurel, McAdams, Thayer and Burgess, Members, concurred in the above recommendations.

  
By: John H. Reed  
Chairman