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CERTIFIED MAIL

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Subject: OSC File No. DI-09-2147, Response to DOTOIG Investigation –
Underreporting of Pilot Deviations at Potomac TRACON

Mr. Reukauf:

My name is Randall Buxton and I am an air traffic controller at the Federal Aviation Administration's Potomac Terminal Radar Approach Control (TRACON) facility. On April 20, 2009, I disclosed to the Office of Special Counsel that the FAA had instituted an air traffic procedure on December 20, 2007, at the Potomac TRACON that is a substantial and specific danger to public safety. Since being implemented there have been numerous confirmed and many more untold incidents in which airline pilots descended lower than their assigned altitudes while flying the procedure—called the 'ELDEE Arrival'—toward Washington-National Airport.

My single purpose for disclosing the information to the OSC was to compel FAA management to correct this flawed air traffic control procedure.

Like all of my fellow air traffic controllers, I watched from my radar scope time and again as pilots violated their assigned altitudes while flying the ELDEE Arrival Procedure. We reported the pilot deviations to our supervisors (required by agency regulations¹) with an expectation that FAA management would realize there was a problem with the procedure and do something about it.

¹ FAA Order 8020.16, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, Chapter 3, Paragraph 60a. Any FAA or FCF employee who becomes aware of an aircraft accident or incident must report the facts immediately to the nearest FAA air traffic facility..

After one year of repeated violations by numerous air carriers it was clear that FAA management was not going to correct the problem with the ELDEE Arrival Procedure. Most of the controllers I work with realized this and stopped reporting the pilot deviations to their supervisors. I didn't.

TIME TO GATHER INFORMATION

In late 2008 I began keeping detailed notes on the pilot deviations and what actions FAA management took in response. Nearly all of the incidents I recorded are ones that I witnessed while I was working at the LURAY Sector radar scope. A few other incidents were told to me by fellow air traffic controllers or that I observed as I was relieving another controller at the radar scope while the pilot deviation was occurring.

In just the two months before submitting my disclosure to the OSC I had reported eight pilot deviations of the ELDEE Arrival Procedure to my supervisor. Five of the eight pilot deviations were not processed according to agency regulations [Attachment 1.] By this time I long had known that most of my 40 my co-workers were no longer reporting pilot deviations of the ELDEE Arrival Procedure to their supervisor. This point was confirmed in the DOTOIG report which stated that only one other pilot deviation was reported during the same time period. It is not plausible that 40 of my co-workers would report next to zero pilot deviations during a two month period in which I observed and reported eight.

On May 1, 2009, I submitted a Freedom of Information Act request with the FAA in order to preserve the data that would substantiate my claim that FAA managers were failing to investigate pilot deviations reported to them by air traffic controllers. My FOIA request was priced at \$1500 dollars minimum. A bit out my price range. I then sought assistance from the Project on Government Oversight (POGO), a non-profit organization in Washington, DC, who filed a replacement (duplicate) FOIA request on my behalf. The cost to POGO was nothing. I received most of the requested information—with some glaring omissions—almost two months later. [Attachment 2, Section 1]

INVESTIGATION BEGINS

The OSC referred my disclosure to the Secretary of Transportation for investigation on June 18, 2009. (I have reported five more pilot deviations to FAA supervisors since my disclosure was sent to the OSC on April 20, 2009.)

On July 27, 2009, the FAA dispatched David Dodd to Potomac TRACON to interview me. The interview was from 11:15am until 11:45am. Mr. Dodd's role

was that of an investigator from the Air Traffic Organization's Office of Safety. I emphasized to Mr. Dodd what I had written in my disclosure to the OSC but couldn't tell him much more than what I had already written in my disclosure. However, I did tell Mr. Dodd that I made a FOIA request because I didn't want to lose the data—that FAA management would destroy—to substantiate my disclosure. He said I didn't have to worry since the PDARS² program retains the radar data for a long time. Assurances aside, I did not cancel the FOIA request.

BAND-AID FIX

Also on July 27, 2009, FAA management at Potomac TRACON issued a memorandum to air traffic controllers instructing us to stop using the standard phraseology—prescribed by national directive³—when issuing clearances to air carriers to “descend via” the ELDEE Arrival Procedure. [Attachment 2, Section 3c] The memo announcing this change read: *“In order to help aircrews avoid an early descent on the ELDEE FOUR ARRIVAL our facility is implementing phraseology to be used when issuing ‘descend via’ clearances on this procedure.”*

This tacit acknowledgement by FAA management that a problem exists with the ELDEE Arrival Procedure—with nearly 50 pilot deviations in the **TWO YEARS** since implementation—was too little, too late. Four more pilot deviations were recorded in the next three months after the phraseology change was implemented on August 27, 2009. Another sign of the concern FAA management has for airplanes violating the ELDEE Arrival Procedure. What's another month?

DOTOIG ARRIVES AT TRACON

I met with Erika Vincent, investigator from the DOT Office of Inspector General, and Robert Parker, manager of the FAA's Office of Air Traffic Safety Oversight (AOV) in Atlanta, on October 8, 2009. At the onset of this meeting it seemed the pair had little information about my disclosure. I asked Ms. Vincent what she had to start with. She replied that the only information she had was what the OSC sent to the DOT Secretary—my disclosure letter, a couple charts, and a printout of a spreadsheet listing the pilot deviations that I recorded.

² Performance Data Analysis and Reporting System; a computer application that records radar flight track information

³ FAA Order 7110.65, Air Traffic Control, Paragraph 4-5-7h. Instructions to vertically navigate on a RNAV STAR with published restrictions. PHRASEOLOGY: DESCEND VIA (RNAV STAR name and number) EXAMPLE- “Descend via the Mudde One Arrival.”

I presented to both Ms. Vincent and Mr. Parker a folder containing numerous documents which I believed would reinforce my claims made in the disclosure and would also point them in the right direction to begin their investigation. [Attachment 2]

The folder is divided into four sections:

1. *Report on Freedom of Information Act Request;*
2. *Report on FAA Managers at Potomac TRACON Coercing Air Traffic Controllers To Not Report Pilot Deviations;*
3. *FAA Takes The Easy Way Out To Solve ELDEE4 Arrival Problem, and,*
4. *Comments by Operations Manager Kevin Cuthbertson.*

I also provided Ms. Vincent and Mr. Parker with a computer file of the Excel spreadsheet detailing 49 pilot deviations (known to me) of the ELDEE Arrival Procedure and copies of a CD with the information obtained from the FAA through the FOIA.

The interview lasted just over three hours. During this time we reviewed all of the documents in the folders I had just presented to them. Although Mr. Parker was at times confrontational and frequently tried to dispel my claims as “that’s your perception” or “that’s a management right” I understood that he was doing what he thought his job was—even though, thinking to myself at the time, he was covering up for his fellow FAA managers who allowed this matter to reach a point in which the only remedy was an investigation by the DOTOIG. What a sad attribute of a man who is the manager in the FAA’s ‘Air Traffic Safety Oversight Service.’

WORD TO THE WISE

At the end of the meeting—tape recorders off and Mr. Parker out of the room—Ms. Vincent said to me “I’ve seen it before—it’s almost prevalent with this agency—that when disclosures and investigations are felt by management the reporter will be retaliated against. Be sure to document like you have been and keep in touch with the OSC.”

INVESTIGATION COMPLETE

I received an e-mail from Ms. Vincent on December 17, 2009, with word that her last day at DOTOIG would be on December 20, 2009. But the investigation was complete and a draft of it resides with her supervisor, Robert Westbrooks.

The final report from the DOTOIG was dated January 25, 2010, reviewed by FAA Administrator Babbitt on February 2, 2010, reviewed by Secretary LaHood on February 26, 2010, and sent to the OSC on or about March 11, 2010.

On April 23, 2010, I received from the OSC a copy of the report along with the responses from Administrator Babbitt and Secretary LaHood.

ONE INVESTIGATION ISN'T ENOUGH

Also in the OSC mailing was a report, dated April 8, 2010, from James Bedow, FAA's Director of the Office of Safety Quality Assurance, on an investigation done by his office after several visits to Potomac TRACON before, during, and after the DOTOIG investigation of my disclosure.

This report tries to minimize the significance of the fact that the FAA implemented a procedure which resulted in no less than 50 pilot deviations by distracting the reader with statistics and statements from TRACON management that everything is fine and dandy.

This report intimates that some of the pilot deviations occurring after the 'band-aid fix' phraseology change was implemented on August 27, 2009, was the fault of air traffic controllers omitting the word "passing" when issuing the "descend via" clearance. This is an unreasonable finding and should not be left unchecked.

It is my understanding that Mr. Bedow's report is to be included with the DOTOIG report in the OSC public file. Considering that the FAA Office of Safety report was done in response to my allegations against FAA management, made through the OSC, I would have enjoyed an opportunity to respond specifically to the points and conclusions reached. But there is only so much time in a day for me to devote to these matters.

The Office of Safety report is an element of a mind-boggling process where the FAA investigates itself, concludes I am wrong, and is allowed to slip their so-called investigation report into the OSC public file without being fact-checked.

I am requesting that the FAA Office of Safety report be excluded from the OSC public file until such time, not to exceed 60 days from acceptance of my request, that I provide a written response to the report and that my response be included as an attachment to the report. (I will also make this request by separate letter to you.)

Mr. Bedow's report is clearly a product of the fox guarding the hen house and should be considered as nothing more than an internal memorandum that tries to make management appear that they're doing the right thing. And they aren't.

MY COMMENTS ON THE DOTOIG FINAL REPORT: TO SUMMARIZE

The DOTOIG report is at best a cursory review of the information I provided to Ms. Vincent and Mr. Parker on October 8, 2009, and in no way should be considered as something relative to an investigation.

My experience of watching the FAA implement a flawed air traffic control procedure, management's refusal to correct their mistake, and then read a DOTOIG *investigation* report that was derived from nothing more than handing my records over to FAA management asking them to verify it is mind numbing.

The DOTOIG report is misleading with references to "*findings*" and "*our investigation*" interspersed throughout. The only thing the DOTOIG found (and it wasn't through any keen sort of investigative work) was 13 more reported pilot deviations than I had recorded in the documents I provided to Ms. Vincent and Mr. Parker. Practically everything else of substance in the DOTOIG report was a mere cut-and-paste from the documents I gave them.

MY COMMENTS ON THE DOTOIG FINAL REPORT: IN PARTICULAR

ABOUT THE NUMBER OF PILOT DEVIATIONS

The DOTOIG report (page 4) states "*We identified 29 pilot deviations...*" and "*A spreadsheet of our findings is enclosed.*" The DOTOIG didn't identify anything. The pilot deviations were listed on the spreadsheet file I put on Mr. Parker's laptop computer (one and the same as the spreadsheet claimed by the DOTOIG as their own in the final report.)

The 13 pilot deviations beyond what I recorded in my spreadsheet were "located" by no great feat other than opening an agency computer file at Potomac TRACON containing all of the pilot deviation reports.

The DOTOIG report (page 4) states "*The evidence indicates, however, that managers and controllers have addressed this problem.*" What the DOTOIG calls *evidence* are notes (provided by me and found in Attachment 2, Section 3a) from a meeting between several airline representatives, FAA management, and the NATCA facility representative. This meeting turned out to be nothing more than a

brainstorming session that, of course, agreed there was a problem with the ELDEE Arrival Procedure.

And several solutions were brought up. But it took three more months from the date of this first, and only, meeting to implement the easiest solution of them all: Require air traffic controllers to use different phraseology than what is prescribed in the national air traffic control directive. [Attachment 2, Section 3c] All of the other solutions (including one cited in the DOTOIG report)—that would provide a permanent fix to the flawed procedure—have been abandoned by FAA management.

One of the parallel investigations by the FAA ATO Office of Safety, conducted August 25-27, 2009—per the DOTOIG report (page 5)—“*determined that many controllers have taken their own action to prevent ELDEE Arrival pilot deviations. Specifically, they have taken aircraft off the STAR and incrementally “stepped down” the aircraft...*” Yes, by this time—nearly two years after the start of the ELDEE Arrival Procedure—controllers had taken matters into their own hands since it was clear that FAA management wasn’t going to fix the problem they created.

What the ATO-Safety investigation found is that many air traffic controllers now work-around management’s failure to correct the ELDEE Arrival Procedure by disregarding the national directive (FAA Order 7110.65 Air Traffic Control), which reads (specific provision in **bold print**):

5-6-1. APPLICATION

Vector aircraft:

- a. In controlled airspace for separation, safety, noise abatement, operational advantage, or when a pilot requests. **Allow aircraft operating on an RNAV route to remain on their own navigation to the extent possible.**

The ATO Safety investigation report—used as an element of the DOTOIG investigation report (ending any expectation of an independent investigation of my disclosure by the DOTOIG)—seems to condone air traffic controllers violating agency regulations.

I’ve been an air traffic controller for 21 years and this is, without doubt, the most absurd thing that I have seen. FAA management implements the flawed ELDEE Arrival Procedure, does nothing about it for nearly two years, and the reply to an investigative query is “the controllers have taken their own actions” to make it work.

The FAA’s Air Traffic Control Order was not written with an implied consent that air traffic controllers—or ATO Safety investigators—could ignore whatever rule seems

right for the occasion. For FAA management to now expect air traffic controllers to violate a rule in order to make a flawed procedure appear to be viable is shirking their responsibility to correct a mistake of their doing.

ABOUT THE FAILURE TO REPORT PILOT DEVIATIONS

The DOTOIG report (page 6) states *"We were unable to conclude from the evidence that (employees) are failing to report and investigate ELDEE Arrival pilot deviations."* The extent of the investigation by the DOTOIG was to ask FAA management if they failed to investigate pilot deviations that were reported to them by air traffic controllers. They answered 'no' and that was the end of it.

Simple math should tell even a layman that something isn't right here. I work with 40 other air traffic controllers who all work the LURAY radar sector where the ELDEE Arrival Procedure is used. During the months of February and March, 2009, the FAA recorded 10 pilot deviations by air carriers on the ELDEE Arrival Procedure—all but one reported by me to the on-duty FAA supervisor. 38 other air traffic controllers—all of them clearing aircraft to "descend via the ELDEE Arrival" at some time or another during their shift—and not one of them is witness to a pilot deviation? That is preposterous.

The information obtained through the FOIA request confirmed my expectation that FAA management would cover-up the non-reporting of pilot deviations by employees. On my request for information concerning three of the pilot deviations (March 16, 2009; April 20, 2009; and April 27, 2009) the FAA responded with a declaration that *"the audio and radar plot data for the time period covering this incident is not available due to administrative error of not protecting the requested data."* All three of these incidents involved air traffic controllers other than me. [Attachment 2, Section 1e]

The DOTOIG report makes no mention of FOIA information (or lack thereof) and consequently fails to answer an obvious question: *What administrative error prevented the data on these three incidents from being produced?* This information was necessary in order to demonstrate that pilot deviations were not being reported or investigated—as I know the truth to be. Letting the FAA off the hook without explaining its claim of "administrative error" in not producing the requested information—not once, twice, but three times—again exemplifies the lack of independence by the DOTOIG in pursuing this investigation. (Not to mention FAA's penchant for withholding information in order to conceal the truth.)

The documents I provided to Ms. Vincent and Mr. Parker on October 8, 2009, were intended to help them in their investigation. Instead they used the information against me. How naïve of me.

My Excel file of the ELDEE Arrival Procedure pilot deviations was the main piece of information used by the DOTOIG in their investigation. It almost saved them from having to do anything. Instead of investigating my claims that were summarized in the original disclosure documents the DOTOIG could—and did—dissect, discount, and disregard my listing of 48 pilot deviations of the ELDEE Arrival Procedure and successfully avoided any legwork in getting to the bottom of the story at Potomac TRACON.

Again: The single purpose of my disclosure to the OSC was to compel the FAA to correct the ELDEE Arrival Procedure. My records were intended to show to any interested party—of course, other than FAA management—that the numerous pilot deviations reported by air traffic controllers and air carrier pilots pointed to an unsafe procedure created by the FAA.

The 31 pilot deviations that the DOTOIG *found* through their *investigation*, of course, indicate that the ELDEE Arrival Procedure is flawed. Notes from air traffic controllers—written while they sat at the radar scope—give a glimpse into what air traffic controllers were experiencing after the procedure was implemented. When the ELDEE Arrival Procedure was implemented the facility representative for the National Air Traffic Controllers Association (NATCA) placed a notebook at the LURAY radar scope so that controllers could jot down problems as they occurred and that would be followed up on later.

I gave a copy of this notebook to Mr. Parker on October 8, 2009.

- An air traffic controller wrote on January 26, 2008: *“2 aircraft missed crossing restrictions by 1000 feet. As I was writing the info on the strip for the first deviation I took a glance at the scope and noticed the 2nd aircraft deviation and used corrective action to avoid a separation event.”*

The date, time, and controller’s operating initials were written in the notebook. [Attachment 3] The controller reported the incident to the on-duty supervisor (that’s why she wrote the information on the strip.) The on-duty supervisor did not record either incident; hence, no investigation, no entry in the facility log.

The DOTOIG report (table, line 6) discards this information stating *“insufficient data to prove or disprove.”* The DOTOIG did not interview the controller (identified by the operating initials.) The DOTOIG did not interview the supervisor (identified by position logs for the date/time of the event in the notebook.) It’s hard to prove or disprove a piece of information without interviewing the people who were at the scene. This is the recurring theme throughout the DOTOIG report: *If a piece of information is not laid before us we are not going to go looking for it.*

The Excel spreadsheet I used to list pilot deviations was a compilation of several sources: me, a few of my co-workers, the NASA Aviation Safety Reporting System, and the LURAY sector notebook.

- An air traffic controller wrote in the notebook on January 9, 2008: *“Why aren’t we violating EVERY aircraft that busts altitude/turns early etc.—supers are notified—but no paperwork. Let’s violate them ALL.”*

This entry was signed and dated by the controller who wrote it—and seconded by another. [Attachment 4] What this controller is trying to say is that pilot deviations are being reported but supervisors are not doing the necessary paperwork to record and investigate the incident. This entry was made less than two weeks after the ELDEE Arrival Procedure was implemented.

The DOTOIG did not interview the above controller either.

It was easy for the DOTOIG to establish that the ELDEE Arrival Procedure has experienced a significant number of pilot deviations. The numbers don’t lie. The next question asked of FAA management should have been “Why did you allow this procedure to be used when you knew airplanes were inexplicably violating the altitude restrictions?” The obvious question, never asked.

The Excel spreadsheet told the story and the DOTOIG only had to follow the timeline to get the idea of what I was trying to demonstrate. But when the DOTOIG got to my charge that FAA management and air traffic controllers are failing to report pilot deviations the spreadsheet was used as their checklist to cast aspersions on my veracity.

From the DOTOIG report (page 6): *“Of the information provided to us by the whistleblower, we found only one ELDEE Arrival pilot deviation that was not reported by a controller and only one that was reported, but not investigated by management.”* One of these was a hotline complaint I made on February 4, 2008, after the TRACON Operations Manager didn’t record a pilot deviation I reported to the on-duty supervisor two days earlier. [Attachment 2, Section 2a] The second incident WAS reported by a controller—to the shift supervisor sitting at an adjacent radar scope. The DOTOIG never interviewed this controller instead leaving it up to FAA management to tell what happened (i.e. truth denied.)

AVIATION SAFETY DATABASE INFORMATION IGNORED BY DOTOIG

“We eliminated 10 (pilot deviations) because they were reported anonymously and extracted by the whistleblower from a public database. As such the whistleblower

had no first-hand knowledge of these incidents or second-hand information attributable to a witness we could interview.”

The DOTOIG report (page 6) tries to make it as if these events never happened because no one could corroborate it. And since I alone (apparently) was responsible for giving the DOTOIG everything they needed to fill their report—and relieve them of investigating anything—the data could only be handled one way. Exclude it.

Reported anonymously (if they can't give their name then it can't be true), *extracted by the whistleblower* (we can't trust him either), *public database* (anyone can get into that, how secure can it be?) The 10 pilot deviations that the DOTOIG ignored were taken from the NASA Aviation System Reporting System (ASRS.)

Here's what the ASRS program is (from the NASA ASRS website⁴):

The ASRS collects voluntarily submitted aviation safety incident/situation reports from pilots, controllers, and others.

The ASRS acts on the information these reports contain. It identifies system deficiencies, and issues alerting messages to persons in a position to correct them.

Its database is a public repository which serves the FAA and NASA's needs and those of other organizations world-wide which are engaged in research and the promotion of safe flight.

The inclusion of the ASRS reports in my spreadsheet was to show that the ELDEE Arrival Procedure is a safety problem from a controller's perspective, likewise from pilots. The DOTOIG instead deems the data as deficient because the reports were missing information.

ASRS de-identifies reports before entering them into the incident database. All personal and organizational names are removed. Dates, times, and related information, which could be used to infer an identity, are either generalized or eliminated. All of this is done as an incentive for aviation professionals who are involved in, or observe, an incident or situation in which aviation safety may have been compromised to submit a report to ASRS.

Programs such as the ASRS were created for the same reason air traffic controllers turn to the Office of Special Counsel when their employer decides that an airplane descending into another due to a flawed procedure is a risk worth taking.

⁴ <http://asrs.arc.nasa.gov/overview/summary.html>

The DOTOIG report has shown me that they are less concerned about the promotion of safe flight than tarring my report to give FAA management the little boost they need to come out of this ordeal with some modicum of integrity intact.

But in their haste to dispense with the ASRS information, the DOTOIG failed to discover that the Director of the NASA ASRS sent an alerting message to the Potomac TRACON air traffic manager on July 22, 2009—less than one month before Ms. Vincent and Mr. Parker began their *investigation* at the TRACON—about the numerous pilot deviations of the ELDEE Arrival Procedure. No one from FAA management saw fit to reply to the alert message or inform the DOTOIG of it. [Attachment 5]

MISSION ABANDONED

Short of interviewing under oath every air traffic controller in the Mount Vernon Area (where I work) at Potomac TRACON the DOTOIG would never be able to reach a conclusion on any of the claims contained in my disclosure. The DOTOIG provided cover and comfort to FAA management by taking their counterpoints to my claims against them as the truth and looking no further.

For two years, FAA management refused to listen to air traffic controllers as they reported the problems of air carriers violating their assigned altitudes while flying the procedure. For two years, FAA management ignored the written statements of airline pilots after they violated the altitude restrictions on the procedure. This is how—according to the agency mission statement⁵—the FAA *provides the safest, most efficient aerospace system in the world*. Something is obviously wrong.

DATA GOOD FOR ONE INVESTIGATION, NOT GOOD FOR THE OTHER

The Performance Data Analysis and Reporting System (or *PDARS*)—which Mr. Dodd mentioned during his pre-DOTOIG investigation interview of me on July 27, 2009—was used to gather information for the FAA ATO-Safety investigation that was done before the DOTOIG arrived at Potomac TRACON.

What is PDARS? From the PDARS website: *PDARS, a collaboration between FAA Office of System Capacity and NASA Aviation Safety Program, is developing networking and analysis tools for Air Traffic Control (ATC) radar data. It provides ATC decision-makers at the facility level with a comprehensive set of tools and methods for monitoring the health, performance, and safety of day-to-day ATC operations.*

⁵ <http://www.faa.gov/about/mission/>

The same NASA that collects data through the ASRS that the DOTOIG dismissed, the same NASA that FAA management at Potomac TRACON ignored after receiving an 'alerting message', is the same NASA used by ATO-Safety to gin-up data in their parallel investigative report of the ELDEE Arrival Procedure. Data was used when it supported the FAA as all quarters sought to save the ELDEE Arrival Procedure—disregarding the implications of big jet airplanes descending when they weren't supposed to.

The majority of the pilot deviations that were not reported by FAA management occurred outside the 45 day period in which the radar and audio recordings are supposed to be retained. This allowed an easy out for the FAA and one less thing for the DOTOIG to investigate.

Instead of using PDARS to validate my claims that FAA management was not reporting pilot deviations of the ELDEE Arrival Procedure the DOTOIG simply took my data, asked FAA management if it happened, and left it at that.

It's not as if Ms. Vincent or, for certain, Mr. Parker didn't know PDARS was a tool that could be utilized during their investigation—just as it was by ATO-Safety—to verify the pilot deviation incidents in the spreadsheet. It is laughable that the DOTOIG relied upon the ATO-Safety, PDARS-supported, investigation to reach a conclusion in the final report; and then elsewhere in the report come to another conclusion calling my pilot deviation records as deficient when PDARS could have also been used to verify my information.

If I'd have known in advance that I was supposed to be the whistleblower and the investigator I would have gotten the PDARS information for the DOTOIG.

FAA MANAGEMENT DID ITS JOB; ACCORDING TO FAA MANAGEMENT

The DOTOIG (report page 6) *"...determined that management properly investigated each incident, and filed a preliminary pilot deviation report or concluded the incident was a non-event."* An easy determination to make when ignoring evidence to the contrary—such as the DOTOIG did.

FAA management at Potomac TRACON is under the misconception that they are authorized to render pilot deviation reports as non-events. FAA Notice N8020.180, Subject: Pilot Deviations, spells out precisely how facility management is to proceed upon receiving a report of a pilot deviation from an air traffic controller. [Attachment 1]

The process is clear, it is unambiguous. TRACON management has no jurisdiction or authority to investigate a pilot deviation. In fact, when I told Ms. Vincent and Mr. Parker that facility management was classifying pilot deviations as non-events instead of adhering to agency regulations and filing the report he commented that "it's not their authority to do that." But apparently a manager of the Office of Aviation Safety Oversight doesn't have the authority to tell FAA facility managers to comply with agency directives.

The DOTOIG doesn't seem to understand the pilot deviation reporting process either. Facility management's role is simple: Log it, gather the information, and send it in to the appropriate authority. FAA management has underreported pilot deviations by being allowed to classify these incidents as non-events. The DOTOIG determined—erroneously—that management properly investigated each incident. I would like to know what rule the DOTOIG determined that management was properly following after they received a report of a pilot deviation and decided to call it a non-event.

WHAT MAKES A NON-EVENT

March 23, 2009. UAL602 violates the ELDEE Arrival Procedure descending 500 feet lower than the crossing restriction at REVUE. TRACON management does not file a preliminary pilot deviation report "because the aircraft only descended 300 feet lower than it was supposed to and the controller didn't issue an altimeter." (With Potomac TRACON Quality Assurance specialist Michelle Crain at my side we watched the radar replay on April 20, 2009, as United 602 descend 500 feet low at REVUE—not 300 feet.)

April 28, 2009. JIA430 violates the ELDEE Arrival Procedure descending 1000 feet lower than the crossing restriction at WZRRD. Without explanation the incident is determined by the TRACON Quality Assurance Office (a misnomer if there ever was one) to be a non-event. No paperwork, no investigation, no occurrence, no assurance of safety.

The two above incidents were no different than two others that FAA management processed according to agency regulations.

March 18, 2009. CHQ5870 violates the ELDEE Arrival Procedure descending 600 feet lower than the crossing restriction at REVUE. (Just like UAL602 would do five days later and MEP411 did an hour and seven minutes earlier) TRACON management complied with agency directives by completing the appropriate paperwork after receiving the report of the pilot deviation from the air traffic controller (me.)

May 4, 2009. AWI3946 violates the ELDEE Arrival Procedure by descending 500 feet lower than the crossing restriction at REVUE. TRACON management filed the preliminary pilot deviation report on this incident too after receiving the report from the air traffic controller (me.)

Four pilot deviations with similar traits: An air carrier pilot descended lower than the published altitudes on the ELDEE Arrival Procedure. For what reason or pursuant to what rule would FAA management give a free pass to two air carrier pilots and not the other two?

There is no rationale for why FAA management was underreporting pilot deviations. Except that for each pilot deviation recorded would be one more example of FAA management's failure in its design and implementation of the ELDEE Arrival Procedure.

WHAT YOU DON'T SEE WHEN YOU LOOK THE OTHER WAY

If FAA management was working to ensure safety in the skies instead of digging in their heels to save face they would have ended the use of their flawed ELDEE Arrival Procedure long before now. Knowing that air carriers were repeatedly descending anywhere from several hundred to a couple thousand feet lower than the prescribed altitudes on the procedure—from the very day the procedure was implemented—and taking nearly two years to do anything about it is astonishing. That is not management. It is dereliction of responsibility to ensure aviation safety.

And the FAA managers at Potomac TRACON who can take credit for this travesty nearly got away with it. If it weren't for my disclosure to the OSC the air traffic controllers I work with could have kept working around the failed ELDEE Arrival Procedure and no one would have been the wiser that there was a problem.

It was only a matter of time before luck would lose out to circumstance when one air carrier would violate the ELDEE Arrival Procedure and descend into another.

On May 25, 2009, America West 49 was inbound to Washington-National Airport on the ELDEE Arrival Procedure. After receiving the clearance by air traffic control to "descend via the ELDEE Arrival" the aircraft descended from 15000 feet at the Linden VOR as Freedom Air 245, level at 14000 feet was approaching the same point from the east.

Here's the report to the NASA ASRS (#836467) from the controller working the LURAY radar sector when this incident occurred.

"I was working the LURAY Sector at the Potomac TRACON. I had just relieved another Controller at the sector. Aircraft X was passing DOCCS waypoint level at

15,000 FT on the ELDEE4 STAR and Aircraft Y was westbound at 14,000 FT approaching LDN VOR. The paths of the two aircraft were going to cross near the LDN VOR.

When Aircraft X was at LDN VOR I cleared it to "descend via the ELDEE4 Arrival." At this point, aircraft X had passed the path of Aircraft Y. Aircraft X began descending at LDN even though it should have crossed LDN and MORTY waypoint at 15,000 FT.

This is one in way too many occurrences where air carriers have violated the altitude crossing restrictions on the ELDEE4 STAR. Had Aircraft Y been airborne just 15 seconds earlier this incident would have resulted in--at a minimum--a loss of standard separation between two aircraft.

The ELDEE4 STAR is flawed. There have been at least 40 pilot deviations, just like this one, over the past 18 months. About an hour after the incident my supervisor told me that the ARTCC Operations Error Detection Program (OEDP) alerted to the close proximity of the two aircraft.

The supervisor also suggested to the TRACON Operations Manager that we suspend the "descend via" procedure on the ELDEE4 STAR because, in his words, it's obviously broken. I agree.

The next airplane that entered the LURAY sector on the ELDEE STAR also violated the 15,000 FT altitude restriction."

Another close call occurred on August 26, 2009, when American Eagle 4779 was cleared to "descend via the ELDEE Arrival" by air traffic control. Here's what was entered into the Facility Operation Log after the pilot deviation.

EGF4779 on ELDEE4 Arrival descended through 15000 to 14200 violating the crossing restrictions on the STAR. Conflicting traffic was crossing EGF4779's route of flight level at 14000. LURAY controller instructed EGF4779 to climb and maintain 15000. Pilot climbed to 15000 in time maintain separation with crossing traffic.

The controller working the LURAY sector during this event told me it was a miracle that these two airplanes didn't collide. The supervisor said he couldn't believe there wasn't a loss of separation.

These are just two examples of FAA management allowing a substantial and specific danger to public safety to exist. It's easy to discount the severity of these incidents or minimize the significance of pilot deviations of the ELDEE Arrival Procedure. A position of no harm/no foul—used as an excuse for looking the other way—will keep the root problem under wraps. Since when is aviation safety promoted by putting our heads in the sand?

HARD TO FIND EVIDENCE WHEN YOU DON'T LOOK

The DOTOIG report (page 7) states, *“Further, the other controllers and NATCA officials we interviewed denied knowledge of pilot deviations that were not reported or investigated.”* Ms. Vincent and Mr. Parker interviewed four air traffic controllers: me, Kevin Propheter, Mount Vernon Area NATCA Representative Bennie Hutto, and NATCA Local President Brendan Connolly. Mr. Propheter has witnessed and reported eight pilot deviations in a 16 month period—so he, according to DOTOIG logic, would not be a credible source to confirm that pilot deviations are not being reported.

The NATCA representatives couldn't very well volunteer information that air traffic controllers aren't reporting pilot deviations—even if they knew it to be true. If the NATCA representatives were aware that air traffic controllers were willfully and knowingly violating agency rules—such as the requirement to report air traffic incidents to their supervisor—and turned a blind eye to it (as management did) then they would be in an awkward position if management would decide to enforce this rule. Fortunately, they had nothing to worry about.

The DOTOIG did not interview any other air traffic controllers. But they could have.

On March 16, 2009, FFT728 violated the ELDEE Arrival Procedure. The controller did not report the incident to the on-duty supervisor. The DOTOIG report (table, line 28) states *“Controller denied not reporting event. No evidence to confirm or refute assertion.”* The DOTOIG did not interview this controller and his name did not appear on the list of those interviewed by the DOTOIG. The controller told me that he was never questioned by anyone (FAA management or DOTOIG) about this or any other pilot deviation that he didn't report. Who told the DOTOIG that the controller denied not report the event?

On April 27, 2009, EGF3908 violated the ELDEE Arrival Procedure when it descended 1000 feet lower than it was supposed to at REVUE. The DOTOIG report (table, line 37) states *“No evidence to confirm, controller was unable to be interviewed, never reported to supervisor.”* It wasn't as if the DOTOIG couldn't locate this controller to confirm that he didn't report the pilot deviation to the on-duty supervisor. By the time the DOTOIG began the investigation this controller had transferred to the Southern California TRACON in San Diego.

Ms. Vincent or Mr. Parker could have picked up the phone and called him. But then I only gave them the date, time, aircraft call sign, operating initials, and the name of the facility he transferred to. I did not provide the telephone number to the Southern California TRACON so I suppose it's my fault my claim could not be

confirmed. (The phone number to the Southern California TRACON is 858-537-5800.)

The March 16, 2009, and the April 27, 2009, pilot deviations were two incidents that the FAA claims the audio and radar data was “*not available due to administrative error of not protecting the requested data.*” Information conveniently lost after I made a FOIA request for it.

It's no small wonder the DOTOIG couldn't confirm my claims since the FAA wouldn't allow me to put the information on a silver platter for them. But wouldn't you think the Ms. Vincent or Mr. Parker were even mildly curious why the data was missing? Clearly, the deck is stacked against me.

WE DIDN'T DO WHAT HE SAYS, JUST ASK US

Potomac TRACON management “*denied failing to investigate any reported deviations*”—according to the DOTOIG report (page 7.) Again, it is not within the authority of Potomac TRACON management to investigate pilot deviations or any other air traffic incident covered by FAA Order 8020.16.

Mr. Parker knew that TRACON management was overstepping their bounds by classifying pilot deviations as non-events—thereby underreporting pilot deviations of the ELDEE Arrival Procedure—and told me just that during my October 8, 2009, interview.

The failure by DOTOIG and AOV to correct the practice of Potomac TRACON management classifying pilot deviations as non-events is allowing for the underreporting of those air traffic incidents.

Agency rule violation aside, what the DOTOIG overlooked in its endeavor to *investigate* is FAA management's incredulous stance that they did what they were supposed to do—when, in fact, they did not.

What started me down the path of a whistleblower was when I reported to the on-duty supervisor on February 2, 2008, a pilot deviation of the ELDEE Arrival Procedure. He passed it on to the TRACON Operations Manager who did nothing. Two days later I made a complaint to FAA Administrator's Hotline. How quickly they forget. That event alone should cast into doubt the credibility of TRACON management to tell the straight story. [Attachment 2, Section 2a]

The DOTOIG report (page 7) misleads the reader in declaring—which is different than *finding*—that TRACON management *denied failing to investigate any reported deviations*. But then the writer of the report gives a new meaning to short

memory. On page 6 of the report: "... (*pilot deviation*) was reported, but not investigated, by management."

The fact of the matter is that FAA management at Potomac TRACON did not investigate a pilot deviation on February 2, 2008. And it wouldn't be the last time.

MISCONSTRUED AUTHORITY

Why the DOTOIG would accept as gospel a plea from TRACON management that they do not ignore pilot deviation reports is a mystery. The DOTOIG had in their possession proof to the contrary but chose to ignore it.

On February 3, 2009, COM347 violated the ELDEE Arrival Procedure when it crossed 1000 feet lower than it was supposed to at MORTY. I was the air traffic controller who reported the incident to the on-duty supervisor, Natalie Smith.

This entry was made in the Daily Record of Facility Operation log [Attachment 6] by FAA temporary Acting Operations Manager Kevin Cuthbertson (wrong call sign and all):

FLM ADZD COM437 MAY HAVE VIOLATED ALT ASSIGNMENT AT MORTY ON ELDEE FOUR ARRIVAL. REVIEWED RADAR REPLAY AND VOICE TAPES. PILOT APPEARED TO START DESCENT JUST PRIOR TO MORTY, HOWEVER NO IMPACT TO OTHER AIRSPACE OR TRAFFIC. DISCUSSED EVENT WITH PILOT, NO FURTHER ACTION REQUIRED.

There was no *may* about it. COM347 crossed MORTY at 14000 feet when it should have been at 15000 feet. Cuthbertson tries to minimize the significance of the event with "*may have violated*", "*appeared to start descent just prior to MORTY*" (as if COM347 descended out of 15000 so close to MORTY that it wasn't any big deal), "*no impact to other airspace or traffic.*" Ending it with a "*No further action required.*" Says who?

What rule did Cuthbertson rely upon to make that decision? It wasn't from anything found in FAA Order 8020.16 and there is nothing that supersedes this directive.

The pilot deviation of COM347 on February 3, 2009, was reported to management and not processed according to agency regulations. Cuthbertson doesn't have the authority he thinks he does to not report an air traffic incident. Add this to the list of underreported pilot deviations at Potomac TRACON.

As a footnote to this event—and another point that erodes FAA management's integrity—the response to my FOIA request said there was "...*no voice data or*

radar data on February 3, 2009, since the facility is only required to retain the records for a period of 45 days after an incident has been determined to be a nonoccurrence.” Then how could there be a re-recording of the air traffic control audio from COM347’s pilot deviation on the FOIA CD?

It was a non-event according to Cuthbertson—‘*No Further Action Required*’, he wrote. The only reason the voice re-recording should exist is because it was a requisite of FAA Order 8020.16 and the processing of an air traffic incident (pilot deviation.) There was no incident according to FAA management. No recording, no preliminary pilot deviation report, nothing—no further action required.

But there is still an air traffic control re-recording of this event that is more than 45 days from the date of my FOIA request. Why is the radar data for the COM347 pilot deviation not also on the FOIA CD? Something is fishy about all of this.

49 minutes after the COM347 incident another pilot deviation occurred when AAL884 started descending out of 15000 feet at the Linden VOR. I told AAL884 that they have a crossing restriction of 15000 feet at MORTY. The pilot said “ok, thanks” and kept descending. I turned around to report the incident to a controller-in-charge (CIC) (temporarily replacing supervisor Smith.) Checking later, I found that Cuthbertson did not enter the incident into the Daily Record of Facility Operation log. One cover-up per shift must be his limit.

DOTOIG did not attempt to locate the controller-in-charge since I did not include the name in my records. However, the DOTOIG did have the date and time of this incident so it wouldn’t have been too much of an effort for them to ask FAA management who the CIC was at the time. But they didn’t. It was easier to ask Cuthbertson if he recalled the incident. He did not, so in the mindset of the DOTOIG the incident did not occur. Add another one to the list.

SHIRKING RESPONSIBILITY

Chatauqua (CHQ) 5870 violated the ELDEE Arrival Procedure on February 25, 2009, when it descended 2000 feet lower than it was supposed to at the DRUZZ waypoint. I reported the incident to the on-duty supervisor. Supervisor Mike Carioscia either did not forward my report to TRACON Operations Manager Jacki Whitaker so she could do what she was supposed to do (fill out the paperwork), or she received the report from the supervisor and ignored it. Either scenario is likely. The DOTOIG did not interview the supervisor or the manager.

The DOTOIG report (table, line 27) states: *“No record event was investigated, however, facility log shows the supervisor identified as having been reported thist*

[sic] event reported other events within the same time period" Were the DOTOIG folks reading this facility log? [Attachment 7]

There is no log entry by this supervisor (using the initials of 'MO' in the left column) anywhere close to the time of CHQ5870's pilot deviation (17:21.) The single entry made by supervisor 'MO' was at 15:54 when he recorded a TCAS RA event. If the DOTOIG meant for the entry to read that the *"facility log shows the operations manager identified as having been reported thist [sic] event reported other events within the same time period"* then that would have been incorrect also. The operations manager—using the initials 'JA'—has an entry showing herself on-duty at 17:03 then being shown off-duty at 19:08. And not one air traffic incident logged by her during this time period.

I've lost count of how many of these seemingly minor details have been overlooked by the DOTOIG. Once the DOTOIG got this far down my Excel spreadsheet of incidents (we're at number 27) they must have just started making stuff up hoping no one would notice.

Moving on,,, DOTOIG report (table, line 29.) March 18, 2009. While I was working at the LURAY sector Midwest Express (MEP) 411 violated the ELDEE Arrival Procedure when it descended 1200 feet lower than it was supposed to at REVUE. I reported the event to the controller-in-charge. He did nothing. He told me he was going to do nothing. And he didn't care. He's just another product of the environment—the safety culture, if you will—created by TRACON management.

The DOTOIG report notes that I *"alleged (I) reported the event, supervisor denied failing to investigate it. No radar or voice data available to confirm the event occurred. Same supervisor investigated and filed two other ELDEE pilot deviations during his shift this day, suggesting that he was investigating and filing events brought to his attention."* It almost sounds like the DOTOIG is calling me a liar. Not to worry though. The data they have—THAT I GAVE THEM—proves otherwise.

The DOTOIG has the date, time, aircraft call sign, and the operating initials of the controller-in-charge working when this event occurred. I have a copy of the NASA ASRS report I submitted and my original handwritten notes made after the incident. FAA management only has their word it didn't happen.

Allege? No, I *did* report the event to the CIC. Did the DOTOIG interview him to double-check my story? No they did not.

And the DOTOIG states the “*supervisor denied failing to investigate it*” even though the supervisor didn’t receive the report. Of course he would deny it—and this time he’d be telling the truth.

The DOTOIG sure aren’t sticklers for details when—to put it mildly—the reputation of the FAA management team would be sullied if the dots were connected. They state that this same supervisor—who didn’t know a thing about the pilot deviation of MEP411—investigated and filed two other ELDEE pilot deviations during the shift. Really?

Take a look at the Daily Record of Facility Operation log for March 18, 2009. [Attachment 8] There is only one ELDEE Arrival Procedure pilot deviation on the log for the entire 24 hour period—not two. (It occurred a little over one hour after the MEP411 pilot deviation.)

I like that the comment is “suggesting”—as the DOTOIG puts it—the supervisor is doing his job. To his credit, if I would have reported the MEP411 pilot deviation to this supervisor rather than the CIC the incident would likely have been recorded and processed. For the DOTOIG to suggest that I am not being truthful because the CIC didn’t care to do his job—and the DOTOIG doesn’t lift a finger to get to the truth or keep the facts straight—then I am suggesting (strongly) that the DOTOIG is incapable of producing a report that can be believed.

FINER DETAILS KEEP GETTING MISSED

On a pilot deviation I reported August 4, 2009, the DOTOIG notes in their report (table, line 44) that I “*reported it to a CIC, but no evidence he did so. When interviewed by ATO-Safety personnel during their August 2009 visit, he did not provide them with this information, and the data has been subsequently destroyed. Therefore, we are unable to verify the event.*”

Let’s be realistic—even though the DOTOIG isn’t. Does it really seem probable that I would be making up stories about pilot deviations—noting call signs, exact times and dates, the supervisor I reported it to, filing NASA ASRS reports, submitting FOIA requests, and creating a spreadsheet of the past two years worth of incidents—knowing that I would be subject to extreme scrutiny for calling into question the (in)actions of FAA management, four months after making a disclosure to the Office of Special Counsel and two months after it was referred to the Department of Transportation Inspector General?

The DOTOIG did not interview the CIC. The DOTOIG could have but did not use PDARS to extract the data showing the pilot deviation I reported: JIA514 at 1240z

descended from 15000 feet at Linden VOR. The proof is there, the DOTOIG chose not to go get it.

"When interviewed by ATO-Safety personnel during their August 2009 visit..." -- I was interviewed by David Dodd of ATO-Safety (and no one else) on **July 27, 2009**. I met with no one from ATO-Safety or any other FAA office in August of 2009. Why can't DOTOIG get these finer details straight? No wonder they can't get the bigger details in order.

And just FYI, I wasn't about to give David Dodd or anyone else from FAA management information that wasn't provided to the DOTOIG first. Mr. Dodd was there to clean up the mess and prepare for the rebuttal to my claims against facility management.

The DOTOIG could have verified many of the pilot deviations that I claim were not reported by TRACON management. DOTOIG received the referral of my disclosure from the Office of Special Counsel on June 18, 2009. In it they had a printed copy of the Excel spreadsheet listing the dates and times of pilot deviations I had recorded since December of 2007. My disclosure makes the claim that FAA management is underreporting pilot deviations. A claim best substantiated by viewing the radar data and radio re-recordings for the dates in question. The DOTOIG should have contemplated that this data would be necessary and relevant to their investigation but did not request FAA management to place a hold (from destruction) on the data.

ABOUT MANAGEMENT COERCING AIR TRAFFIC CONTROLLERS TO NOT REPORT PILOT DEVIATIONS

On October 8, 2009, DOTOIG Director of Special Investigations for Transportation Safety Erika Vincent told me that any part of my disclosure that dealt with management coercing me, in particular, to not report pilot deviations would not be addressed in the investigation. This statement was made before I presented the folder of supporting documents to her.

In the folder was a document titled 'Report on FAA Managers at Potomac TRACON Coercing Air Traffic Controllers To Not Report Pilot Deviations.' [Attachment 2, Section 2] This paper provides a chronology of how FAA managers have reacted—especially towards me—to this perplexing problem of a procedure causing so many pilot deviations. FAA management tried to kill the messenger but didn't do a very good job of it.

Ms. Vincent said they wouldn't address this issue if it dealt with me in particular. Though, after reading my report they must have felt they had no choice but to

address it. Still, the DOTOIG report (page 7) states, "*Moreover, no evidence was presented by the whistleblower to support his claim.*" A 31 page report makes up the *no evidence* that I presented to the DOTOIG. Pretending it doesn't exist makes the DOTOIG look like they are taking tips from TRACON management on how to get through this investigation.

The DOTOIG asked TRACON management if they were scrutinizing the work of air traffic controllers who reported pilot deviations as a method to coerce them to not report pilot deviations. Management denied the charge.

The DOTOIG states that "*none of the other controllers or union officials we interviewed supported the whistleblower's claim.*" Only three other controllers were interviewed. One was Kevin Propheter who has reported at least eight pilot deviations of the ELDEE Arrival Procedure and has, himself, been subject to increased scrutiny by management trying to keep him quiet. I sincerely doubt that he would not support my claims since he has been assisting me with the compilation of pilot deviation data since day one.

As for the union representatives, one is a co-worker and the other works in a different area of the TRACON. Neither, until only recently and at no time before I submitted my disclosure to the OSC, has supported my efforts to demonstrate the ELDEE Arrival Procedure is flawed and that management and controllers were failing to report pilot deviations. I suppose they could say they don't support my claims but that doesn't mean my claims are false. It only would mean they don't support me—nothing more, nothing less. But something I have become accustomed to.

Management only has to single out one controller for scrutiny. The others will get the message: *Keep quiet or you'll get the same treatment he's getting.* The DOTOIG wanted to suppress my claims that FAA management is using the Quality Assurance Review process as a tool to harass and intimidate air traffic controllers. If it had to do with me in particular then we couldn't address it in the investigation, I was told. This attempt to suppress the information I gave to the DOTOIG to support my claim was a free pass for TRACON management. They didn't have to answer for anything.

SOMEONE GOT THE MESSAGE

Recall the pilot deviation on April 27, 2009. The controller who was working the LURAY sector during the incident did not report the incident to the supervisor. He has since transferred to the Southern California TRACON.

Right after this event I spoke with the controller and explained to him about the disclosure I had made a few days earlier to the OSC. I asked if he would report the incident to the supervisor when he returned from his break. He said that he would not because he is awaiting a release date from the air traffic manager and fears retaliation—like not allowing him to transfer—if he would make the report of the pilot deviation.

The DOTOIG did not interview this controller.

This information is in the folder of documents I presented to Ms. Vincent. It's a stretch to believe the DOTOIG report with its declaration that I didn't present any evidence to support my claim when in fact I did. More like, *the DOTOIG did not investigate any of the allegations contained in the evidence presented by the whistleblower to support his claim.*

COMMENTS BY OPERATIONS MANAGER KEVIN CUTHBERTSON

On August 25, 2009, I began my shift at 10pm in the Mount Vernon Area of the Potomac TRACON. My co-worker for the shift was NATCA representative Bennie Hutto.

At or about 10:30pm Operations Manager Kevin Cuthbertson sat down next to Mr. Hutto while he was working the OJAAY radar position. They talked, among other things, about the ELDEE Phraseology Change Notice. Mr. Cuthbertson told Mr. Hutto "we believe that certain controllers deliberately issued the 'descend via' clearance and placed aircraft in harms way. That's why I had to write the Notice."

Mr. Cuthbertson's statement that controllers are placing aircraft in harms way--by using the prescribed phraseology and procedure contained in the Air Traffic Control handbook for vertical navigation descent clearances--is reprehensible, irresponsible, and without foundation.

Rather than correct a flawed procedure that has been allowed to persist for more than two years Mr. Cuthbertson resorts to baseless charges that air traffic controllers are doing their job with malice. Mr. Cuthbertson's words do not correlate with those of FAA Administrator Babbitt in his recent announcement that the agency will overhaul the way it processes whistle-blower reports.

"One of the lessons we clearly learned is that we need to make sure we give people the latitude to speak up, and they should be able to do so with immunity."
--- FAA Administrator Babbitt, *Washington Post*, September 17, 2009.

Mr. Cuthbertson's statement should not be dismissed out of hand. If he believes it to be true then investigate. If not, then an apology is in order.

---- The above was included in the folder of documents provided to the DOTOIG. [Attachment 2, Section 4] There is no mention of it in the report.

ABOUT THE ADMINISTRATOR'S RESPONSE

FAA Administrator Babbitt has misread the report from the DOTOIG. He's pleased that the investigation found no evidence to substantiate my claims that his managers at Potomac TRACON were failing to report pilot deviations and coerce air traffic controllers from reporting pilot deviations.

It's not that the DOTOIG found no evidence; they just didn't investigate my claims. A thorough read of the report and my supporting documents would bear that out.

Another detail the Administrator missed is that the DOTOIG "was unable to conclude" that his managers at Potomac TRACON were failing to report pilot deviations. There's a big difference between "unable to conclude" and "found no evidence to substantiate." A definitive conclusion—affirming my claims—would have been reached if the DOTOIG had the will and the way to actually investigate. Instead they just took TRACON managers at their word and called it a day.

The Administrator touts the Air Traffic Safety Action Program (ATSAP)—coming soon to Potomac TRACON. The ATSAP website⁶ states that the program *will provide safety data that would otherwise never see the light of day without voluntary participation. For personnel involved in a safety event, even a serious one, the program promises the response to reports will be both non-punitive and non-disciplinary.*

If the Administrator is so pleased that the DOTOIG found no evidence to substantiate my claim that his managers at Potomac TRACON coerced air traffic controllers from reporting pilot deviations then why does he think the reports submitted through ATSAP will permit TRACON managers to better address safety risks. Isn't the safety reporting process working fine just as it is at Potomac TRACON?

IN CLOSING

FAA management at Potomac TRACON may have succeeded in keeping the ELDEE Arrival Procedure in place for two years but at what cost?

⁶ <http://www.atsapsafety.com>

Air traffic controllers now have zero confidence in management's ability to design procedures that are safe or efficient. The DOTOIG report permits the FAA to use the national airspace system as an experimental playground where management can implement new procedures and routes at will and without regard to safety. Anyone that raises a complaint or concern will be summarily dismissed by an apparatus more concerned about staying on message than knowing the truth—and doing something about it.

If the process that brought us the ELDEE Arrival Procedure is any precursor to how the future of air traffic control—NextGen—will be implemented then we are in for a long slog. Some day I hope to see the ELDEE Arrival Procedure replaced with something that will regain the confidence that air traffic controllers need so they know that when they issue a clearance they don't have to wonder whether or not the airplane will violate its published altitude restrictions.

My decision to take the issues surrounding the ELDEE Arrival Procedure to a complaint of this level was not taken lightly. I am still amazed—but not surprised—that my employer would think its okay for so many airplanes to violate their assigned altitudes on a procedure and turn a blind eye to the problem.

You can rest assured that when FAA management replaces the ELDEE Arrival Procedure I will devote as much time and energy as I did over the past two years to record the effectiveness or drawbacks of whatever they decide to do next. I am not the least bit hopeful that this will be my last use of the Office of Special Counsel's safety disclosure process.

I wish to thank Edward Flood, attorney in your Disclosure Unit, for all of his assistance guiding me through this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randall Buxton".

Randall Buxton
Air Traffic Controller and Whistleblower

Attachments (8); listed

LIST OF ATTACHMENTS

- Attachment 1 FAA Notice N JO 8020.180, Pilot Deviations
(5 pages)
- Attachment 2 Documents In Support Of Safety Disclosure DI-09-2147 /
ELDEE Arrival Procedure
(63 pages)
- Attachment 3 LURAY Sector Notebook, January 26, 2008
(1 page)
- Attachment 4 LURAY Sector Notebook, January 9, 2008
(1 page)
- Attachment 5 NASA ASRS Alerting Message, July 22, 2009
(5 pages)
- Attachment 6 Daily Record of Facility Operation log, February 3, 2009
(3 pages)
- Attachment 7 Daily Record of Facility Operation log, February 25, 2009
(3 pages)
- Attachment 8 Daily Record of Facility Operation log, March 18, 2009
(3 pages)

ATTACHMENT 1

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N JO 8020.180

Air Traffic Organization Policy

Effective Date:
August 28, 2009

Cancellation Date:
August 27, 2010

SUBJ: Pilot Deviations

1. Purpose of This Notice. This notice amends Federal Aviation Administration (FAA) Order JO 8020.16, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, by revising Chapter 8, Paragraph 114, Pilot Deviations. This notice is a continuation of N JO 8020.177, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, effective August 28, 2008. FAA Order JO 8020.16A is in the final stage of signature.

2. Audience. This order is intended for all employees that have responsibility for aircraft accident and incident notification, investigation, and reporting.

3. Where Can I Find This Notice? The notice is available on the MYFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/air_traffic/publications.

4. Procedures. Revise Chapter 8, Paragraph 114, Pilot Deviations, to read as follows:

114. PILOT DEVIATIONS. When it appears the actions of a pilot constitute a pilot deviation, which includes selected ARTCC electronically detected deviations (see paragraph 114l), intrusions into airspace with regulatory requirements to obtain authorization from or establish communications with air traffic control (see paragraph 114m), spillouts that resulted in a loss of standard separation (see paragraph 114n), pilot action not consistent with title 14, CFR (14 CFR), requirements (see paragraphs 114o, 114p, and 114q), and/or incidents that may be considered as reckless (see paragraph 114r):

a. Notify the pilot:

(1) Workload permitting, using the following phraseology:

PHRASEOLOGY—

(aircraft identification). POSSIBLE PILOT DEVIATION. ADVISE YOU CONTACT (facility) AT (telephone number).

(2) When workload does not permit for the immediate notification of the pilot, alternative actions should be attempted to make sure the pilot is made aware of the possible deviation. Suggestions include making the notification on the next frequency the pilot is assigned or possibly contacting the owner of the aircraft as soon as possible. Whatever alternatives are decided on, the individuals involved will use their best judgment.

b. Document the incident on FAA Form 7230-4.

c. Compile information pertinent to the incident.

Distribution: A-W-A; A-W(HL/HP/EE/ST)-2;
A-W(GC/IA/PA/AS/CS/AI/IR/FS/TA/TP/TX/NS/OP/VN)
A-X(CC/GC/IA/PA)-2; A-X(HR/CD/FS/AM/AF/AT/AS/CS)-3;
A-Y(CC/GC/PA/CS/HR)-2; A-Y(CS/HR/AY)-3;
A-Z(CC/GC/PA/CS/HR)-2; AAR-400/AAR-422; A-FOF-0(STD)

Initiated By: AJR-8
System Operations Litigation

(1) If the pilot was in radio communication with the facility, determine all conversations or contacts pertinent to the pilot deviation. Record all voice transmissions from 5 minutes before to 5 minutes after these conversations or contacts. When pertinent recorded telephone conversations (see FAAO JO 7210.3, paragraph 3-3-2d) will assist the investigation, these re-recordings must be included.

(2) If requested by System Operations Litigation, Safety Investigations and Evaluations, or regional counsel, prepare and forward a certified partial transcript of the recorded communications within 10 administrative days of the request.

(3) NTAP, Continuous Data Recording (CDR) or Airport Surface Detection Equipment, Model X (ASDE-X.)

(4) The facility filing the pilot deviation must notify other facilities that may have supporting data to ensure all involved facilities retain the original data in a file using the reporting facility's pilot deviation number. These other facilities must forward copies of the data to the reporting facility. These data may include, but not be limited to, radar data, certified audio re-recordings, NOTAMs, or personnel statements.

(5) Contact associated FCFs for supporting documentation, which may include, but not be limited to, personnel statements or audio recordings of weather briefings, filing flight plans, or control instructions. FCFs must forward copies of the data to the reporting facility.

d. Assign a unique 12-character incident report number to each pilot deviation. The incident report number to be used for tracking by the FAA is assigned as follows (see instructions on form):

(1) The first character is "P" for pilot deviation.

(2) The second and third characters are the abbreviation of the FAA region (not the Service Center) in which the deviation occurred.

(3) The fourth character identifies the type of facility completing the form.

NOTE-

For combined terminal radar approach control (TRACON) and ATCT operations use the character of the TRACON or ATCT reporting the pilot deviation.

(4) The fifth through seventh characters are the facility location identifier (e.g., ZNY) or FSDO identification code (e.g., 025). For combined TRACON and ATCT operations, use the appropriate location identifier (e.g., the O'Hare TRACON would use "C90" and the O'Hare ATCT would use "ORD"). See the latest edition of FAAO 7350.8.

(5) The eighth and ninth characters are the calendar year in which the pilot deviation occurred (e.g., 05 for 2005).

(6) The last three characters are the sequential pilot deviation number for the year by reporting facility (e.g., pilot deviations would be numbered 001 to 999 in 2005 at a given facility).

e. Complete page 1 of FAA Form 8020-17 (see appendix 1) manually or via the ATQA Web application.

(1) Provide the method by which notification of the possible deviation to the pilot (see paragraph 114a) was made. If the notification to the pilot was not provided over the frequency by air traffic control, it will be necessary to explain why.

(2) The description of the pilot deviation must include, but not be limited to, pertinent actions of the pilot(s) involved and of air traffic control services, and the pilot's or flightcrew's comments and/or concerns as reported.

f. Transmit or ensure transmittal of information from paragraph 114e, in numerical order, within four hours of the detection of a pilot deviation by:

(1) Telephone or facsimile, or send by a method following a service center agreement to the Regional Flight Standards Division and the FSDO or Certificate Holding District Office (CHDO).

(a) For air carrier and air taxis (i.e., air carrier operators certificated under 14 CFR, parts 121, 129, and 135 or air operators under part 125 and program managers of fractional ownership programs under part 91, subpart K), transmit to the CHDO.

(b) For all other pilot deviations, transmit to the FSDO with jurisdiction over the area in which the pilot deviation occurred.

NOTE-

To determine the CHDO, go to www.faa.gov; select "Licenses & Certificates"; select "Airline Certificate Information"; enter the name of the airline (a list of airlines with the Code of Federal Regulations under which the airline is flying will appear); click on the appropriate airline to find a telephone number for that airline's CHDO. System Operations Litigation will also maintain a current list of CHDOs which will be provided by the Flight Standards Service.

(2) Facsimile or NADIN message using immediate (DD) precedence to the:

- (a) Director, Safety Investigations and Evaluations.
- (b) The service center director.
- (c) Flight Standards Service, AFS-1.

g. Immediately notify Safety Investigations and Evaluations, the service center, and the Washington Operations Center Complex through the Regional Operations Center by telephone for significant pilot deviations (e.g., involving air carriers, air taxis, or prominent persons).

h. Complete FAA Form 8020-17 using the ATQA Web application. Keep the original and distribute, following a service center agreement, one copy each, within 10 calendar days of the detection of the pilot deviation, to the following:

- (1) The service center director,
- (2) Regional Flight Standards Division, and

(3) FSDO or CHDO with investigative jurisdiction for the pilot deviation. Enclosures should include voice re-recordings, radar data, NOTAMs, and other pertinent data. Provide transcripts when requested by System Operations Litigation, Safety Investigations and Evaluations, or regional counsel.

i. For pilot deviations involving U.S. Army and Navy pilots, send one copy of FAA Form 8020-17 to the appropriate service center military representative and two copies to the applicable military service as follows:

(1) Army: U.S. Army Aeronautical Services Agency, Attn: Director of Policy, Plans and Programs, 9325 Gunston Road, Bldg 1466, Suite N319, Fort Belvoir, VA 22060-5582.

(2) Navy: Chief of Navy Operations (OP-885), Department of the Navy, Washington, DC 20350-2000.

j. For pilot deviations involving USAF and Coast Guard pilots, send one copy of FAA Form 8020-17 to the appropriate service center military representative and two copies to the commanding officer at the pilot's home base, if known.

k. For pilot deviations involving Coast Guard pilots whose home base is not known, send two copies of FAA Form 8020-17 to: Commandant, United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593-0001.

l. For ARTCC electronically detected deviations of more than 300 feet in which the separation between the deviating aircraft and another controlled aircraft decreases to less than 80 percent of the vertical or horizontal separation required by the latest edition of FAAO JO 7110.65, Air Traffic Control, take all actions as for a pilot deviation.

m. For airspace with a regulatory requirement to obtain authorization from or establish communications with air traffic control, take all actions as for a pilot deviation, including the following instances:

- (1) Intrusions into Class A or Class B airspace without authorization.
- (2) Intrusions into Class C or Class D airspace without establishing communications with air traffic control.
- (3) For airports within Class E and Class G airspace with an operational control tower within four nautical miles from an airport, up to and including 2,500 feet above ground level without establishing communications with air traffic control.

n. For spillouts that resulted in a loss of standard separation, as defined by the latest edition of FAAO JO 7110.65, take all actions as for a pilot deviation.

o. For pilot action not consistent with 14 CFR requirements involving flight without authorization into prohibited areas, restricted areas, airspace areas identified as Air Defense Identification Zones, and the Washington, DC, Metropolitan Area Special Flight Rules Area, take actions as follows:

- (1) Notification to the pilot will be completed following paragraph 114a.
- (2) Within 15 minutes of the occurrence, notify the Domestic Events Network (DEN) air traffic security coordinator and verbally provide information pertinent to the incident.
- (3) If requested by the DEN air traffic security coordinator, prepare a pilot deviation following paragraph 114. In some instances, especially involving Presidential movement, there may be little lead time in disseminating NOTAM information to the aviation community. The shortness of lead time may not relieve pilots of the responsibility for avoiding these areas or complying with flight restrictions. Aircraft that encroach on these areas are subject to being intercepted by armed military fighters as well as having a pilot deviation filed on the pilot-in-command of the aircraft.

NOTE-

This notification is in addition to reporting requirements defined in FAAO JO 7610.4, Special Operations.

p. For flight not complying with temporary flight restrictions issued under 14 CFR or Special Security Instructions issued under 14 CFR, section 99.7, that have been established at locations designated by the FAA Administrator, follow actions under paragraph 114o.

q. For pilot action not consistent with 14 CFR requirements involving other activities, including prohibited aerobatic flight and departure or landing when prohibited by 14 CFR requirements, will be treated as follows:

- (1) Notification to the pilot will be completed following paragraph 114a.
- (2) Compile and document the pertinent information following paragraphs 114b and 114c.

r. Flying incidents that may be considered as reckless should be treated as follows:

(1) For incidents observed by air traffic (such as low flying or buzzing aircraft), air traffic will take all actions as for a pilot deviation.

(2) For incidents reported to, but not observed by, air traffic, direct the caller to relay the information to the FSDO. For such reports, the FSDO will transmit information from paragraph 114e by NADIN message through the Regional Operations Center and complete and file FAA Form 8020-18, as specified in paragraph 114h, with the following:

- (a) Regional Flight Standards Division.
- (b) Acquisition and Business Services, Information Technology, and Technical Services.

s. The Office of the Chief Counsel has instructed the regional counsel offices to notify System Operations Litigation about the outcome of final enforcement actions on pilot deviations. System Operations Litigation may then notify the reporting facility through the service centers of the outcome of the enforcement action.

t. To correct an incident report number, complete FAA Form 8020-19 using the ATQA Web application to (see appendix 1). Keep the original of FAA Form 8020-19 and distribute copies by mail to all recipients of the corresponding FAA Form 8020-17 (see paragraph 114h).

u. The air traffic facility must retain the original FAA Form 8020-17 and related information in the facility's files, following paragraph 103, except the file must be labeled "PILOT DEVIATION REPORT."

5. Distribution. All Assistant Administrators, Associate Administrators, and heads of offices and services; division level in the offices of Labor and Employee Relations, Personnel, and Environment and Energy; branch level in the offices of the Chief Counsel, International Aviation, Office of Communications, Airport Safety and Standards, Civil Aviation Security, Accident Investigation, Aviation Medicine; Aircraft Certification and Flight Standards Services; Air Traffic Organization Vice Presidents, Directors, Managers, service areas, and field facilities, National Airspace System (NAS) Transition and Implementation; NAS Operations; and Aviation System Standards; regional division level in Operations Center, Regional Counsel, International Aviation Officer, and Public Affairs; regional branch level in Human Resource Management, Certification Directorates, Flight Standards, Office of Air Traffic Oversight, Aviation Medicine, Airports, and Civil Aviation Security; Aeronautical Center division level in Operations Center, Center Counsel, and Public Affairs; and branch level in Civil Aviation Security, Human Resource Management, and FAA Academy; Technical Center division level in Operations Center, Center Counsel, Public Affairs, Civil Aviation Security, and Human Resource Management.

6. Background. This notice clarifies and enhances the parameters of the data needed to take appropriate enforcement action in pilot deviations where air traffic services have been provided. The addition of CHDOs has been added which reflects the fact that certain operations make use of voluntary reporting systems in handling possible pilot deviations. In those cases, CHDOs will handle the investigations instead of the FSDOs.

7. Implementation. The contents of this notice will remain in effect until it is incorporated into FAA Order JO 8020.16A.



Nancy B. Kalinowski
Vice President, System Operations Services
Air Traffic Organization

8-27-09

Date Signed

ATTACHMENT 2

October 8, 2009

**DOCUMENTS IN SUPPORT OF
SAFETY DISCLOSURE DI-09-2147 / ELDEE ARRIVAL PROCEDURE**

1. *Report on Freedom Of Information Act Request*
 - a. May 1, 2009. FOIA Request, Randall Buxton (two pages)
 - b. May 5, 2009. Reply from FAA FOIA Coordinator
 - c. May 18, 2009. Email from FAA FOIA Coordinator, cost estimate
 - d. May 26, 2009. FOIA Request, Project On Government Oversight
 - e. July 24, 2009. Partial no records response from FAA (FOIA information on CD-R media.)

2. *Report on FAA Managers at Potomac TRACON Coercing Air Traffic Controllers To Not Report Pilot Deviations*
 - a. February 4, 2008. Hotline Complaint, Unreported pilot deviation
 - b. February 13, 2008. Pilot Deviations
 - c. March 6, 2008. Hostile Work Environment Prevention
 - d. March 24, 2009. Problem Solving Meeting Request
 - e. April 13, 2009. Personnel Statement
 - f. April 20, 2009. Deficiency notes (three pages)
 - g. April 21, 2009. Problem Solving Meeting Request
 - h. April 22, 2009. QAR reports, NWA236 (2 pages)
 - i. April, 2009. Air Traffic Bulletin
 - j. April 25, 2009. Letter, Arrighi conversation
 - k. April 22, 2009. TTD comments
 - l. April 29, 2009. TTD comments

3. *FAA Takes The Easy Way Out To Solve ELDEE4 Arrival Problem*
 - a. April 13, 2009. RNAV Arrival Meeting notes (five pages)
 - b. May 25, 2009. Letter, ELDEE4 Arrival Procedure
 - c. July 27, 2009. Notice, ELDEE FOUR Arrival (two pages)
 - d. August 24, 2009. Letter, Change to ELDEE4 Procedures

4. Comments by Operations Manager Kevin Cuthbertson

REPORT ON FREEDOM OF INFORMATION ACT REQUEST 2009-004893(ES)

By Randall Buxton

On May 1, 2009, I submitted a Freedom of Information Act (FOIA) request to the FAA for copies of preliminary pilot deviation reports, facility operations logs, audio recordings, and radar plot recordings from specific incidents occurring from February 25, 2008, until April 28, 2009, in the airspace controlled by Potomac TRACON.

On May 18, 2009, the FAA's FOIA Coordinator in Atlanta advised me by email of the cost for obtaining the information. "We are looking at a rough estimate starting at \$1500. Let me know how you would like to proceed." A prohibitively expensive cost for me to proceed on my own so I contacted the Project On Government Oversight (POGO) for assistance in obtaining the information. I spoke with the FOIA Coordinator and advised her that I would have the request submitted through another party that would be eligible for a fee waiver. I would cancel my FOIA request but wanted assurance that the information (e.g. audio/radar recordings) would be held in order to fill the forthcoming request from POGO. I was told the information would be held.

On May 26, 2009, a FOIA request, identical to my May 1 request, was submitted by POGO. Within a day or so I cancelled my FOIA request via email.

On July 24, 2009, POGO received most of the information requested from the FAA (at no cost). I received a CD with the information a few days later.

What follows is a synopsis of the pilot deviations occurring from February 25, 2008 through April 28, 2009, utilizing the information contained in the FOIA submission and my personal records.

February 25, 2008. MEP492 was cleared to descend via the ELDEE3 Arrival. The aircraft crossed 1000 feet low at the REVUE waypoint, which has a mandatory crossing restriction of 15,000 feet.

During a subsequent telephone conversation with the TRACON Operations Manager the pilot of MEP492 said "the altitude (at REVUE) was not programmed into our FMS."

- A preliminary pilot deviation report was filed.

February 3, 2009. At 1313z, COM347 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed the MORTY waypoint at 14,000 feet, which has a mandatory crossing restriction of 15,000 feet.

After a subsequent telephone conversation with the pilot of COM347 TRACON Operations Manager Kevin Cuthbertson typed in the facility operations log: *Front*

Line Manager [Natalie Smith] advised COM347 may have violated altitude assignment at MORTY on ELDEE4 Arrival. Reviewed radar and voice tapes. Pilot appeared to start descent just prior to MORTY. However no impact to other airspace or traffic. Discussed event with pilot. No further action required.

- A preliminary pilot deviation report was not filed.

February 3, 2009. At 1402z (49 minutes after the COM347 pilot deviation), AAL884 was cleared to descend via the ELDEE4 Arrival. After passing the DOCCS waypoint the pilot radioed "We're descending out of 15(000)." The controller immediately advised the pilot "You have to cross MORTY at 15000." The pilot replied "OK, thanks" and continued to descend. The incident was reported to the controller in charge. TRACON Operations Manager Kevin Cuthbertson **did not record the incident** in the facility operations log.

- A preliminary pilot deviation report was not filed.

February 25, 2009. CHQ5870 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed the REVUE waypoint at 13,000 feet which is 2,000 feet lower than the published crossing restriction of 15,000 feet. Front Line Manager Michael Carioscia was notified of the incident. Operations Manager Jacki Whitaker **did not record the incident** in the facility operations log.

- A preliminary pilot deviation report was not filed.
- A controller report was submitted to the NASA Aviation Safety Reporting System.

March 16, 2009. FFT728 was cleared to descend via the ELDEE4 Arrival. After crossing the DRUZZ waypoint the aircraft began a descent out of 15,000 feet instead of waiting to begin descent at the REVUE waypoint. The controller advised the pilot of the error but **did not notify the supervisor** of the incident.

- A preliminary pilot deviation report was not filed.
- In its response to a FOIA request the FAA stated that the audio and radar plot data for the time period covering this incident is *not available due to administrative error of not protecting the requested data.*

March 18, 2009. At 1515z, MEP411 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed the REVUE waypoint at 13,800 feet rather than at the mandatory crossing restriction of 15,000 feet. The incident was reported to the controller in charge. TRACON Operations Manager Kevin Cuthbertson **did not record the incident** in the facility operations log.

- A preliminary pilot deviation report was not filed.
- A controller report was submitted to the NASA Aviation Safety Reporting System.

March 18, 2009. At 1622z (1 hour and 7 minutes after the MEP411 pilot deviation), CHQ5870 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed 600 feet low at the REVUE waypoint, which has a mandatory crossing restriction of 15,000 feet.

During a subsequent telephone conversation with TRACON Front Line Manager Glenn Horton the pilot apologized, thought he had passed REVUE before descending.

- A preliminary pilot deviation report was filed.
- A controller report was submitted to the NASA Aviation Safety Reporting System.
- Pursuant to a FOIA request the FAA provided audio and radar plot data for this incident. [This is one of two pilot deviations where my performance was unduly scrutinized by FAA management.]
- The final Pilot Deviation Report was completed on April 14, 2009 and closed with "The incident is being processed under the Aviation Safety Action Program."

March 23, 2009. UAL602 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed 600 feet low at the REVUE waypoint, which has a mandatory crossing restriction of 15,000 feet. The pilot was advised of the deviation but was not requested to telephone the TRACON. Front Line Manager Al Castillo was advised of the incident.

TRACON staff reviewed the radar data and declined to file a preliminary pilot deviation report "because the aircraft only descended 300 feet lower than it was supposed to at REVUE. And the controller did not issue the altimeter to the aircraft."

A second review of the incident was made on April 20, 2009 where it was determined, after replaying the radar and audio recording, that UAL602 crossed the REVUE waypoint 600 feet low.

- A preliminary pilot deviation report was not filed.

March 30, 2009. COM347 was cleared to descend via the ELDEE4 Arrival. As the aircraft approached the PUGEE waypoint it flew straight ahead rather than making a right turn in accordance with the published route. The pilot advised on the radio that "the FMS did something goofy on us."

The incident was reviewed by TRACON Quality Assurance staff and determined it to be a "non-event." TRACON Operations Manager Kevin Cuthbertson recorded the incident in the facility log "COM347 deviated off the ELDEE Arrival due to FMS malfunction."

- A preliminary pilot deviation report was not filed.

April 11, 2009. EGF4598 was cleared to descend via the ELDEE4 Arrival. The aircraft descended out of 15,000 feet four miles before reaching the mandatory crossing restriction (15,000 feet) at the Linden VOR.

During a subsequent telephone conversation with TRACON Front Line Manager Brian Veazey the pilot said "we kind of missed the crossing restriction at MORTY."

- A preliminary pilot deviation report was filed.
- The final Pilot Deviation Report was completed on May 29, 2009, and closed with “The flight crew was issued a letter of warning and counseled by the company chief pilot and the FAA. The incident is being handled in the American Eagle Airlines Aviation Safety Action Program.”
- A controller report was submitted to the NASA Aviation Safety Reporting System.

April 13, 2009. AAL1544 was cleared to descend via the ELDEE4 Arrival. After being advised by the controller that they missed the REVUE crossing restriction the pilot said “Sorry about that, we misread the chart. We’re just looking at the database in the FMS, it doesn’t have that, it’s missing,, it’s on the chart but not in the database.”

During a subsequent telephone conversation with TRACON Front Line Manager Shawn Thompson the pilot said “we went back to look at it and it does say it in our database on the FMS but somehow we misread it between DRUZZ as expect 15000 an on the fold of our chart was REVUE at 15(000) we went and set 12(000) at PUGEE. We apologize for that.” Mr. Thompson then asked the pilot to call back on an unrecorded telephone line. (540-349-7586) Why?

- A preliminary pilot deviation report was filed.
- A controller report was submitted to the NASA Aviation Safety Reporting System.

April 20, 2009. NWA238 was cleared to descend via the ELDEE4 Arrival. The aircraft descended out of 15000 at DRUZZ. After the controller alerted the pilot to the error the aircraft climbed back to 15,000 from 14,400 feet. The controller **did not notify the supervisor** [James Pouncy] of the incident.

- A preliminary pilot deviation report was not filed.
- The FAA responded to a FOIA request for the radar/audio for the time period covering this incident declaring the data is *not available due to administrative error of not protecting the requested data.*

April 22, 2009. NWA236 was cleared to descend via the ELDEE4 Arrival. NWA236 descended out of 15,000 feet after passing the DRUZZ waypoint. Upon being notified by the controller of the mandatory crossing restriction at REVUE the pilot stammered, “stand by,,uh,,NWA236, roger.”

During a subsequent telephone conversation with TRACON Front Line Manager Rick Brownlee the pilot of NWA236 said “yeah, it was my error.” Brownlee replied, “It happens to the best of us.”

Two Quality Assurance Reviews (QAR) were completed on this event. The first, closed by Operations Manager Kevin Cuthbertson simply noted the event (“pilot violated crossing restriction”). Cuthbertson opened a second QAR approximately two hours after the first one was open. The second QAR was closed on April 28, 2009, by TRACON Quality Assurance Staff Specialist Randy Horner. Comments

were entered that I issued the “descend via” clearance before DRUZZ (an “expect” altitude point on the STAR) and that I was given refresher training on April 21, 2009, “as to the proper procedures and when to issue descend via.

The “refresher training” on April 21, 2009, was my, likewise my peers, reading and initialing receipt of the April, 2009, Air Traffic Bulletin containing material on RNAV STARs.

- A preliminary pilot deviation report was filed.
- The final Pilot Deviation Report was completed on May 26, 2009, and closed with “In a written statement, the captain acknowledged not complying with the procedure. The Northwest Airlines Aviation Safety Action Program closed this incident with warning notices to both pilots.”
- A controller report was submitted to the NASA Aviation Safety Reporting System.

April 27, 2009. EGF3908 was cleared to descend via the ELDEE4 Arrival. During a position relief briefing the controller observed the aircraft crossing the REVUE waypoint at 14,000 feet rather than the mandatory crossing restriction of 15,000 feet. The controller advised the pilot of the error but **did not advise the supervisor** [James Pouncy] of the incident.

After this event I spoke with the relieved controller. I explained the OSC safety disclosure and asked that he report the incident to the supervisor. He said that he would not because he is awaiting a release date from the air traffic manager and fears retaliation (i.e. not allowing him to transfer) if he would make the report of the pilot deviation.

- A preliminary pilot deviation report was not filed.
- The FAA responded to a FOIA request for the radar/audio for the time period covering this incident declaring the data is *not available due to administrative error of not protecting the requested data.*

April 28, 2009. JIA430 was cleared to descend via the ELDEE4 Arrival. The aircraft crossed 1000 feet lower than the mandatory crossing restriction at WZZRD. I observed it after transferring communications to the controller working the OJAAY sector and called the controller to make him aware of the incident. He was busy and did not advise the pilot of the error. TRACON Operations Manager Kevin Cuthbertson entered into the facility operations log: ‘ATCS reports JIA430 early descent at POOCH on ELDEE4 STAR, QA investigating.’

- A preliminary pilot deviation report was not filed.
- A controller report was submitted to the NASA Aviation Safety Reporting System.

Rec'd in ATO ESA MAY 05 2009

FOIA 2009-004432(ES)



rkboxton@comcast.net
05/01/2009 05:36 PM

To 9-ATOE-ESA-FOIA/ASO/FAA@FAA
cc rkboxton@comcast.net
bcc

Subject Request under the Freedom of Information Act, 5 U.S.C. 552

5624 Sinclair Drive
Warrenton, VA 20187

May 01, 2009

Federal Aviation Administration
Eastern Service Center Air Traffic Organization FOIA Coordinator, AJO-2E5
P.O. Box 20636
Atlanta, GA 30320

Dear FOIA Coordinator:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents (or documents containing the following information) be provided to me:

Copies of completed FAA Form 8020-17 and/or completed FAA Form 8020-11, completed FAA Form 7230-4 from the Potomac TRACON, Potomac TRACON air traffic control audio re-recordings (time stamped, not voice skipped, .wav format, on CD-R media), Potomac TRACON ARTS/CDR re-recording for the LURAY Radar Sector, and FAA Personnel Statements completed for the following dates and air traffic incidents.

February 25, 2008, pilot deviation, MEP492
February 3, 2009, pilot deviation, AAL884
February 3, 2009, pilot deviation, COM347
February 25, 2009, pilot deviation, CHQ5870
March 18, 2009, pilot deviation, CHQ5870
March 18, 2009, pilot deviation, MEP411
March 23, 2009, pilot deviation, UAL602
March 30, 2009, pilot deviation, COM347
April 11, 2009, pilot deviation, EGF4598
April 12, 2009, pilot deviation, AAL1544
April 22, 2009, pilot deviation, NWA236
April 28, 2009, pilot deviation, JIA430

Copies of completed FAA Potomac TRACON Quality Assurance Review (QAR) reports, entire Potomac TRACON air traffic control audio re-recordings (time stamped, not voice skipped, .wav format, on CD-R media) used to support the documentation of the QAR reports, and entire Potomac TRACON ARTS/CDR re-recording for the LURAY Radar Sector, that were done as a result of the above incidents.

Please signify the date and time when each of the above original re-recordings were made. If a re-recording was not made until the receipt of this request please signify.

In addition, please provide completed FAA Form 7230-4 from the Potomac TRACON, Potomac TRACON air traffic control audio re-recordings (time stamped, not voice skipped, .wav format, on CD-R media), and Potomac TRACON ARTS/CDR

re-recording for the LURAY Radar Sector, for the following dates and times.

March 16, 2009, From 1200z to 2000z

April 20, 2009, From 0900z to 1800z

April 27, 2009, From 0900z to 1800z

If any of the above information is not available please state the reason.

In order to determine my status to assess fees, you should know that my fee category is: an individual seeking records for personal use and not for profit.

The maximum dollar amount I am willing to pay for this request is \$1. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Randall D Buxton

Phone: 540-428-1844

Email: rkbuxton@comcast.net



U.S. Department
of Transportation
**Federal Aviation
Administration**

Air Traffic Org - Eastern Service Area
1701 Columbia Avenue
P. O. Box 20636
Atlanta, GA 30320

May 5, 2009

Mr. Randall Buxton
5624 Sinclair Drive
Warrenton, VA 20187

Re: Freedom of Information Act (FOIA) Request 2009-004432

Dear Mr. Buxton:

This letter acknowledges receipt of your FOIA request dated May 5, 2009, concerning copies of completed FAA Forms 8020-17, 8020-11, and 7230-4 including re-recordings and personnel statements from the Potomac TRACON regarding several incidents over a period of time between February 25, 2008 and April 28, 2009.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration
Air Traffic Org - Eastern Service Area (ES-JA1)
1701 Columbia Avenue
P.O. Box 20636
Atlanta, GA 30320

Contact: Paula Watson
Regional ATO FOIA Coordinat

Federal Aviation Administration
Southern Region (ASO-60)
1701 Columbia Ave.
P.O. Box 20636
Atlanta, GA 30320

Contact: Linda Chatman
Regional FOIA Coordinator
(404) 305-5904

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

A handwritten signature in cursive script that reads "Paula Watson".

Paula Watson

Subject: Re: FOIA Request #2009-4432(ES) - Pilot Deviations
From: Cheryl.McCullough@faa.gov
Date: Mon, 18 May 2009 14:35:38 -0400
To: Randall Buxton <rbuxton@comcast.net>

Mr. Buxton,

The CDR & voice data for March 16th is currently not available as it has passed its 45 day expiration date but April 20th & 27th are available. You asked for the date and time when the original re-recordings were made pertaining to the LURAY Radar Sector. This information is not available. All the other information you requested is available. We are looking at a rough estimate starting at \$1500. Let me know how you would like to proceed.

Thank you,

v/r
CHERYL V. MCCULLOUGH
Management & Program Analyst
Administrative Services Group, AJV-E52
tel: 404.305.5578
fax: 404.305.6226
Cheryl.McCullough@faa.gov

Randall Buxton <rbuxton@comcast.net>

05/17/2009 08:59 PM

To Cheryl McCullough/ASO/FAA@FAA

cc

Subject Re: FOIA Request #2009-4432(ES) - Pilot Deviations

Ms. McCullough:

Thanks for the cost breakdown of my FOIA request. I have reason to believe that some of this information may not be available since it has been more than 45 days (the standard retention period for air traffic control radio/radar data) and that other data (that is more than 45 days from the date my request was received) may not exist. In the interest of saving time and money could you first ascertain whether or not the information I have requested actually exists? And provide to me, by reply email, a listing of that information which does not exist or is not otherwise available. This would be most helpful.

Thank you.

Randall Buxton

Home (540)428-1844
Cell (540)272-7976

Cheryl.McCullough@faa.gov wrote:

Mr. Buxton,

The information requested will take a *minimum* of 24 hours to gather. Your request qualifies for the "All Other" fee category whereby you are not charged for the first 2 hours of search time, any review time, and the first 100 pages of documents. There is a processing fee for voice re-recordings of \$30.00 per hour or portion thereof. Below is a list with the cost of the items. Please let me know exactly what you would like to receive. If you have any questions, please feel free to use the info below to contact me. I've included a copy of your request.

Air Traffic Control Tape - @ \$30 hr or portion thereof 15 mins or up to 1hr

Voice recording on CD - @\$30 hr or portion thereof 15 mins or up to 1hr

Radar Data – CPU Search/Operator Time – 15 mins or up to 1hr@\$81hr

The cost to search for the radar data:

CPU Search/Operator Time - Airport Traffic Control plots – 15 mins or up to 1hr@\$81 hr

CPU Search/Operator Time – 15 mins or up to 1hr@\$81 hr

Copies

Duplication – Aircraft Accident Package - # pages@\$0.10 per page

FOIA Specialist – Review Time – 15 mins or up to 1hr@\$49

Thanks.

v/r

CHERYL V. MCCULLOUGH
Management & Program Analyst
Administrative Services Group, AJV-E52
tel: 404.305.5578
fax: 404.305.6226
Cheryl.McCullough@faa.gov

Exposing Corruption Exploring Solutions
Project On Government Oversight

May 26, 2009

Re: Freedom of Information Act Request

To Whom It May Concern:

I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. § 552. Please provide the following:

1) Copies of completed FAA Form 8020-17 and/or completed FAA Form 8020-11, completed FAA Form 7230-4 from the Potomac TRACON, Potomac TRACON air traffic control audio re-recordings (time stamped, not voice skipped, .wav format, on CD-R media), and Potomac TRACON ARTS/CDR re-recording for the LURAY Radar Sector, for the following dates and air traffic incidents:

February 25, 2008, pilot deviation, MEP492
February 3, 2009, pilot deviation, AAL884
February 3, 2009, pilot deviation, COM347
February 25, 2009, pilot deviation, CHQ5870
March 18, 2009, pilot deviation, CHQ5870
March 18, 2009, pilot deviation, MEP411
March 23, 2009, pilot deviation, UAL602
March 30, 2009, pilot deviation, COM347
April 11, 2009, pilot deviation, EGF4598
April 12, 2009, pilot deviation, AAL1544
April 22, 2009, pilot deviation, NWA236
April 28, 2009, pilot deviation, JIA430

2) Completed FAA Form 7230-4 from the Potomac TRACON, Potomac TRACON air traffic control audio re-recordings (time stamped, not voice skipped, .wav format, on CD-R media), and Potomac TRACON ARTS/CDR re-recording for the LURAY Radar Sector, for the following dates and times:

March 16, 2009, From 1200z to 2000z
April 20, 2009, From 0900z to 1800z
April 27, 2009, From 0900z to 1800z

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further the "public interest because it is likely to contribute significantly to public understanding of the



U.S. Department
of Transportation
**Federal Aviation
Administration**

1701 Columbia Avenue
College Park, GA 30337

JUL 24 2009

Certified Mail – Return Receipt

Ms. Ingrid Drake
Project On Government Oversight
110 G Street, N.W., Suite 900
Washington, DC 20005

Dear Ms. Drake:

Subject: Freedom of Information Act (FOIA) Control No. 2009-004893(ES)

This is a partial no records response to your FOIA request dated May 27, 2009 that was received in this office on June 1, 2009 made under the provisions of Title 5 United States Code, Section 552 to the Federal Aviation Administration.

Enclosed is a compact disk containing the following information from Potomac Terminal Radar Approach Control, falling within the scope of your request:

- Pilot Deviation P-EA-R-PCT-08-033, MEP492, from February 25, 2008: ARTS3 raptor.txt (0235-0255 UTC) and plot.txt (0235-0255 UTC) radar data from the Martinsburg sensor, a voice data .wav file of the LURAY (0234-0245 UTC) and OMIC (0259-0315 UTC) positions and a copy of FAA Form 8020-17, Preliminary Pilot Deviation Report.
- Pilot Deviation P-EA-R-PCT-09-026, CHQ5870, from March 18, 2009: ARTS3 raptor.txt (1607-1637 UTC) and plot.txt (1607-1637 UTC) radar data from the Martinsburg sensor, a voice data .wav file of the LURAY (1614-1629 UTC) and OMIC (1638-1654 UTC) positions and a copy of FAA Form 8020-17, Preliminary Pilot Deviation Report.
- Pilot Deviation P-EA-R-PCT-09-039, EGF4598, from April 11, 2009: ARTS3 raptor.txt (2220-2250 UTC) and plot.txt (2234-2250 UTC) radar data from the Martinsburg sensor, a voice data .wav file of the LURAY (2229-2246 UTC) and OMIC (2252-2305 UTC) positions and a copy of FAA Form 8020-17, Preliminary Pilot Deviation Report.
- Pilot Deviation P-EA-R-PCT-09-040, AAL1544, from April 12, 2009: ARTS3 raptor.txt (0001-0031 UTC) and plot.txt (0014-0025 UTC) radar data from the Martinsburg sensor, a voice data .wav file of the LURAY (0010-0024 UTC) and OMIC (0043-0055 UTC) positions and a copy of FAA Form 8020-17, Preliminary Pilot Deviation Report.

- Pilot Deviation P-EA-R-PCT-09-050, NWA236, from April 22, 2009: ARTS3 raptor.txt (1710-1740 UTC) and plot.txt (1710-1725 UTC) radar data from the Martinsburg sensor, a voice data WAV file of the LURAY (1707-1724 UTC) and DEN (1746-1801 UTC) positions and a copy of FAA Form 8020-17, Preliminary Pilot Deviation Report.
- March 30, 2009: ARTS3 raptor.txt (1155-1225 UTC) and plot.txt (1155-1225 UTC), radar data from the Martinsburg sensor and a voice data .wav file of the LURAY (1155-1225 UTC) position.
- April 28, 2009: ARTS3 raptor.txt (1048-1118 UTC) and plot.txt (1048-1118 UTC) radar data from the Martinsburg sensor and a voice data .wav file of the LURAY (1048-1118 UTC) position.
- Voice data .wav files of the LURAY position on February 3, 2009 (1234-1323 UTC) and March 23, 2009 (1300-1352 UTC).

Regarding audio playback, please be advised that air traffic control communication recordings need to be reviewed on a dual balance (left/right) player and the balance positioned to the left channel. The right channel depicts the digital timer tones not needed for your review. If the player does not have this capability, there may be substantial noise overlapping the voice transmissions.

- There is no voice or radar data available for April 16 and 27, 2009 from 0900 -1800 UTC due to administrative error of not protecting the requested data. The exception is ARTS3 raptor.txt and plot.txt radar data that is available from 1300-1400 UTC for April 16, 2009.
- Also included is FAA Form 7230-4, Facility Daily Record of Operation, for the requested dates of February 25, 2008, February 3, 2009, February 25, 2009, March 18, 2009, March 23, 2009, March 30, 2009, April 11, 2009, April 12, 2009, April 22, 2009 and April 28, 2009.

In accordance with FAA Order 8020.16, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, Chapter 7, the facility is only required to retain the records for a period of 45 days when an incident or accident has been determined to be a nonoccurrence. Therefore, there were no voice data or radar data on February 3, 2009 for AAL884 or COM347; February 25, 2009 for CHQ5870; March 16, 2009; March 18, 2009 for MEP411; and March 23, 2009 for UAL602.

There were no FAA Forms 8020-17, Preliminary Pilot Deviation Reports, filed on February 3, 2009 for AAL884 or COM347; February 25, 2009 for CHQ5870; March 18, 2009 for MEP411; March 23, 2009 for UAL602; March 30, 2009 for COM347; and April 28, 2009 for JAI430.

Page 3 – Ms. Ingrid Drake

NOTE: The request for FAA Form 8020-11, Incident Report, is not available due to the fact it was not filed on the requested dates. This incident form is normally used for emergency evacuations, parachute jumping incidents, used for loss of separation due to a pilot deviating for emergency or TCAS event or at the request by Flight Standards District Office for an aircraft incident. This form is not used for pilot deviations.

There were no fees incurred in processing your request.

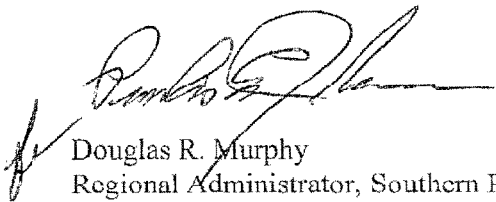
The undersigned and Mr. Felix J. Enriquez, Director, ATO Eastern Service Center, are responsible for this partial no records determination. You may request administrative review of the determination by writing to:

Assistant Administrator for Regions and Center Operations, ARC-1
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591

Your request for reconsideration must be made in writing within 30 calendar days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must state that it is an appeal from the above-described determination regarding a request made under the Freedom of Information Act. Please inscribe "FOIA Appeal" on the envelope containing the appeal.

Your request has been assigned FOIA Control No. 2009-004893(ES). Please refer to this control number in all subsequent correspondence. If you have any questions regarding this request, you may contact Patricia Facey, Administrative Services Group, ATO Eastern Service Center at (404) 305-5526.

Sincerely,



Douglas R. Murphy
Regional Administrator, Southern Region

Enclosure

REPORT ON FAA MANAGERS AT POTOMAC TRACON COERCING AIR TRAFFIC CONTROLLERS TO NOT REPORT PILOT DEVIATIONS.

By Randall Buxton

March 6, 2008. I wrote and delivered a letter to Potomac TRACON Air Traffic Manager Barbara Cogliandro, titled 'Hostile Work Environment Prevention', about the backlash against me from her supervisors after she posted a memorandum reminding her supervisors to process pilot deviation reports when they are notified by air traffic controllers.

Her reminder was in order and a result of the complaint I filed with the FAA Administrator's Hotline on February 4, 2008, when a TRACON Operations Manager did not process a pilot deviation on the ELDEE STAR two days earlier. Hard to imagine this problem persists today.

My letter is attached. Ms. Cogliandro never responded to me.

—

March 24, 2009. I wrote and delivered a letter to my supervisor, Natalie Smith, requesting to meet and discuss a pilot deviation that occurred a day earlier. My concern was not so much the incident itself but what was said by one of the TRACON's Quality Assurance staff specialists. Here is an excerpt from that letter:

At or about 2:25pm on March 23, 2009 a fellow controller—the same one who also observed UAL602 at 14,500 feet between DRUZZ and REVUE—was stopped by Randy Horner, a staff specialist who clearly has knowledge of this event, and asked: "What do you think of a controller who reports a pilot deviation of only 100 feet?" The controller, Kevin Propheter, sensing that Mr. Horner was trying to *stir the pot*, told him in so many words, that he also observed UAL602 at 14,500 feet and Randy (me) was just complying with agency orders which were reiterated in a memorandum from the facility air traffic manager on February 13, 2008. (R&I #08-034; Pilot Deviations.)

It is my belief that Mr. Horner is operating at the behest of and in concert with facility middle and upper managers to coerce or otherwise suppress the reporting of possible pilot deviations by air traffic controllers. His little chat with Mr. Propheter leaves me no doubt that he and those middle and upper managers working close with him have schemed to downplay the seriousness of aircraft deviating from the altitude restrictions contained in the ELDEE STAR.

For more than one year, time after time, I have reported so many altitude deviations by aircraft on the ELDEE STAR I've lost count. I have heard, and been told of, supervisors trying to pit my co-workers against me by saying: "We're only reporting these (pilot deviations) because Randy made a Hotline complaint." Nonetheless, I have persevered and continue to follow the rules and report these events.

Besides the irrefutable fact that I am required to report pilot deviations, the information these events hold would give facility management the key to figuring out why airplanes are descending out of the sky when they shouldn't be. That is if Mr. Horner, the facility Quality Assurance staff, and the middle and upper managers weren't preoccupied with covering up what is being reported by the people that are witness to it every single day.

—

April 12, 2009. At about 8:18pm I cleared AAL1544 to “descend via the ELDEE4 Arrival.” A minute or so after I issued that clearance AAL1544 kept descending lower than the altitude that it should have been and crossed the REVUE waypoint at 13000 feet—2000 feet low.

Right after this happened I handed AAL1544’s flight progress strip to supervisor Dave Waudby and told him “this aircraft crossed REVUE at 13000 feet.” Mr. Waudby, without saying a word, took the strip to the Operations Manager (located in the center of the control room), returned a couple minutes later, and asked me “Who’s your supervisor?” I told him it was Natalie (Smith) and he jotted it down on a piece of paper that he was holding on his knee while standing up next to me. (As if he didn’t already know or couldn’t find out my supervisor’s name in an instant by looking at a program on the supervisor workstation computer.)

I asked Mr. Waudby, “Why are you asking who my supervisor is?” He said, “I have to give her something.” I find it odd that the very first question Mr. Waudby asked me after the pilot deviation is “who my supervisor is” instead of something pertinent to the event itself (like, was there a loss of separation?)

A minute or so later Mr. Waudby placed a Personnel Statement form next to me at the LURAY Radar Sector and asked me to fill it out when I get relieved for a break. A couple minutes after that Mr. Waudby stands next to me, while I am still working the LURAY Radar Sector, and asked “where exactly did this (event) occur? I tell him by pointing to the spot on my radar scope. He asks me to “do a splat-splat off ARMEL” which means to use a radar scope/keyboard function to determine a mileage and radial from the ARMEL VOR to the point where the pilot deviation occurred.

Mr. Waudby then proceeded to continue with questions. What was the callsign of the aircraft? What did it descend to? Did you stop it’s descent?

I also find it odd that Mr. Waudby would ask me to fill out a Personnel Statement once I am relieved from the position but then proceed to ask me the very questions that are on the form. Mr. Waudby knew the answers to the questions before he asked me. He knew the callsign of the aircraft since I handed him the flight progress strip. He knew where the event occurred since I told him right after it happened. Mr. Waudby has access to a radar scope and keyboard at his supervisory workstation so if he wanted to so quickly find out precisely where the event occurred he could very well have done the same “splat-splat” function without distracting me.

After the line of questioning was over Mr. Waudby took the form and filled in the answers that I had just given him. Granted, all of this took place within a short timeframe; two minutes tops. But the demeanor of Mr. Waudby, starting with the off-beat question of ‘who my supervisor is’, and peppering me with questions while I was trying to do my job was, in my opinion, an overt attempt to harass me. If I was going to make him do paperwork then he was going to make me feel like I was doing something wrong. He was trying to make me worry about this event by telling me was going to “send something” to my supervisor.

I wouldn’t have thought too much about all of this if it wasn’t for the fact that Mr. Waudby is the same supervisor that was a subject of my complaint to the FAA Administrator’s Hotline on February 4, 2008. A Hotline complaint made after a TRACON Operations Manager failed to process a pilot deviation report I made to supervisor Dave Waudby. All of which precipitated my safety disclosure to the OSC.

It is my firm belief that Mr. Waudby’s action on this day (April 12) was an attempt by TRACON management to coerce me into not reporting pilot deviations.

April 20, 2009. I was summoned by my supervisor, Natalie Smith, to her office at the Potomac TRACON to discuss, in her words, "performance deficiencies that were found during Quality Assurance Reviews (QARs) on March 18 and March 23, 2009."

Ms. Smith proceeded to read from typewritten notes (attached) listing the alleged performance deficiencies that were found. I asked if these were QARs that were done while investigating the pilot deviations I reported on those two days. She said, "Yes, they were."

Two pages were typed by TRACON Quality Assurance Specialist Michelle Crain and listed the performance deficiencies she discovered during her review. Ms. Smith did her own review of the tapes and typed up her view of my performance (and Ms. Crain's report.)

All of the deficiencies listed by Ms. Crain were refuted or the significance was downplayed by Ms. Smith in her words and typewritten note. Nonetheless, Ms. Smith was directed to counsel me about my performance. She said these were "nitpicky things." I advised Ms. Smith that I believe that scrutinizing my work in this way is an attempt by management to coerce me into not reporting pilot deviations on the ELDEE Arrival. Of course, she disagreed.

Ms. Smith also brought to my attention the most recent Air Traffic Bulletin about "descend via" procedures. I believed her interpretation of the Bulletin to be incorrect but didn't argue the point.

As a side, before the "performance meeting" I met with Ms. Smith and my Union representative to discuss another arrival procedure which also has a high number of pilot and operational deviations. (Known as the WZZRD2 STAR, it will be the subject of a safety disclosure to the OSC in coming weeks.)

Coincidentally, April 20, 2009, is when my safety disclosure to the Office of Special Counsel about the ELDEE STAR was filed.

April 21, 2009. I delivered to my supervisor, Ms. Smith, a written request to listen to the audio tape and watch the radar replay of my work sessions just as Ms. Crain had done. Later that day my request was obliged.

Ms. Crain operated the audio-visual equipment while I watched, listened, and took notes. I asked Ms. Crain a few questions; the first was "Who requested that these QARs be done?" She said, "Management", without elaborating. (My feeling, judging by her body language, is that she was told not to tell me.) Ms. Smith was there too, she didn't say anything.

Next I asked Ms. Crain, "How is a QAR initiated?" Her reply: "Randy Horner (another Quality Assurance Staff Specialist) checks the facility log each morning for Q entries and if the QAR isn't already closed he will begin the process. Or QA staff could just be told to do a QAR review."

I asked Ms. Crain: "What are the time parameters for the audio re-recording used in a QAR?" She replied, "It's in the Quality Assurance Order (7210.56), five minutes before first contact to five minutes after last contact with aircraft."

And my last question was, "How are ATIS code changes determined when doing a QAR?" Her answer: "By listening to the aircraft that check in with the ATIS code and when aircraft start checking in with a new ATIS code we can tell that's when it changed."

After listening to the tapes and watching the radar replay it was apparent to me that TRACON management is stretching the rules to classify my performance as deficient.

The two (March 18 and 23) in-depth Quality Assurance Reviews were done at the behest of an upper manager at the Potomac TRACON that doesn't want his name to be known. Why is that?

The refusal to make this manager's name known leads me to believe there is an orchestrated effort on the part of Ms. Crain and TRACON management to silence my reporting of pilot deviations through the intimidation tactic of closely scrutinizing my work.

A QAR for the March 18, 2009, pilot deviation was done that same day. This QAR was initiated by supervisor Mike Mathews when I reported the pilot deviation of CHQ5870 to him. As required by FAA regulations the event was recorded in the facility log by Operations Manager Kevin Cuthbertson, he reviewed the audio/radar replay, closed the QAR, and passed word to Mr. Mathews on the results. Mr. Mathew's then verbally advised me that a pilot deviation would be filed and that I was to complete a personnel statement of the event, which I did.

The closed QAR of the March 18, 2009, pilot deviation is recorded in the *Safety Suite* automated records system. This QAR specifically categorizes each of the following 'emphasis items' as 'meets standards.' Ensuring aircraft have appropriate ATIS Code; Interphone Coordination (format/timeliness); Safety alerts are issued; Merging target procedures are applied; position relief briefings conducted appropriately; and, reasons for vectors given. The space to record comments regarding individual performance is blank. The box 'none required' is checked under 'supervisor action taken.'

The March 23, 2009, pilot deviation I reported was not entered in the facility log. However, the QA staff (probably Ms. Crain) did a QAR on the day of the event after being advised of it by the TRACON Operations Manager In Charge. Soon after the pilot deviation occurred I completed a personnel statement of the event which was returned to me later the same day (March 23rd) by supervisor Al Castillo. He told me, "QA listened to the tape and you didn't give an altimeter or made sure he had the ATIS code, they only saw a 300 foot difference in altitude so they're not going to process a pilot deviation." (During the review of the audio/radar on April 21st both Ms. Crain and I observed the aircraft--UAL602-- at 14500 feet before climbing back to meet the crossing restriction of 15,000 at REVUE waypoint.)

There was no QAR entry of the UAL602 incident in the Safety Suite system. So if there is no record of a QAR, nor an entry in the facility operations log, then what process did management use to conduct the review of my performance before and after the pilot deviation of UAL602?

The QARs, originally opened and closed on the same day of each pilot deviation—March 18 and 23—were "reopened" at the direction of an unknown FAA manager at Potomac TRACON. Why would "management" direct Ms. Crain to conduct a second QAR of the March 18, pilot deviation when one was already done, and closed, on March 18th? And if it was determined on March 23rd that the pilot deviation I reported the same day was not going to be processed (which consequently would have closed the QAR; that is, if an 'official' QAR were actually done) why would "management" direct Ms. Crain to conduct another in-depth QAR?

What better way to get me to stop reporting safety concerns than question my performance, which in today's FAA ultimately can lead to disciplinary action.

Ms. Crain told me that QAR's are conducted according to FAA Order 7210.56C. The specific references to the QAR process are found in paragraph 4-1-3:

- a.) A QAR is to be accomplished for all air traffic incidents (e.g. pilot deviation);
- b.) Determine in a QAR whether employee performance, procedures, and/or equipment may have contributed to, increased the conformance of, or unreasonably failed to mitigate the initiating incident;
- d.) Conduct the QAR in sufficient detail so as to assess the system performance with reasonable accuracy... (see paragraph 5-1-5a for investigative sources to consider.); and
- e.) The result of the QAR shall be communicated to the affected employee as soon as practical, normally the employees' next assigned shift.

The time parameters for conducting a QAR, is in 7210.56c, paragraph 5-1-5 e.) Review voice recordings as soon as feasible. (1)...Include all communications for a period of five minutes before initial contact to five minutes after the last contact with each position involved.

TRACON management's actions don't correlate with agency rules for processing pilot deviations and conducting QARs. These in-depth QARs are nothing less than a management 'smear job' crafted to besmirch my credibility as an air traffic controller trying to do my job.

For each QAR, Ms. Crain listened to the recording of my audio and radar for the entire time I was working at the LURAY sector when the pilot deviations were reported. I worked at the LURAY sector on March 18 for 30 minutes (from 1615z to 1645z) and on March 23 for 58 minutes (from 1247z to 1345z.)

The unknown "management" representative told Ms. Crain to do these two QARs beyond the time required to process the two pilot deviations. There is no doubt: My performance had nothing to do with these or any of the other 13+ pilot deviations that I have reported. Ms. Crain knows it, Ms. Smith knows it, and so does the unknown manager who directed Ms. Crain to list the maximum amount of performance deficiencies and to listen and watch for longest period of time; which was the entire time I was at the LURAY sector before, during, and after each pilot deviation.

CHQ5870 on March 18th contacted me at 1619z, violated its altitude restriction at 1622z, and I transferred communications to the next controller at 1624z. The exchange between me and the pilot of CHQ5870 lasted six minutes. 16 minutes worth of a QAR should have taken place; not the 30 minutes Ms. Crain did.

UAL602 on March 23rd contacted me at 1319z, violated its altitude restriction at 1321z, and I transferred communications to the next controller at 1324z. The exchange between me and the pilot of UAL602 lasted five minutes. 15 minutes worth of a QAR should have taken place; not the 58 minutes Ms. Crain did.

What a strange coincidence that on the very day I submitted to the Office of Special Counsel a safety disclosure about the FAA's failure to act to prevent pilot deviations on the ELDEE Arrival procedure that I am told by my supervisor that I have "performance deficiencies": So-called performance deficiencies that have NEVER been brought to my attention, and in such an overbearing and formal manner, for all of my 20 years as an air traffic controller.

I am not the only air traffic controller at Potomac TRACON that reports pilot deviations as required by regulations. As an example, two of my co-workers—Kevin Propheter and John Hall—have reported pilot deviations to FAA management—just as I have—and have not been subject to scrutiny of their work performance like I have.

Most air traffic controllers at Potomac TRACON have long ago given up reporting pilot deviations to FAA management. It's apparent to all of us that the FAA doesn't care about the problem of airplanes violating altitude restrictions on the ELDEE Arrival procedure. Since my co-workers have discovered what FAA management is doing to me they seldom report pilot deviations or any other safety concern for fear of retaliation: Retaliation for doing the right thing by reporting matters affecting aviation safety.

—

April 22, 2009. While I was working the LURAY Sector another pilot deviation occurred on the ELDEE4 STAR when NWA236 violated the crossing restriction at the REVUE waypoint. I advised the pilot on the radio of the error. Just then, supervisor Mike Matthews, standing a few behind me, blurted out a comment about the pilot's reply over the radio to me.

Mr. Matthews was monitoring me through his wireless headset. I wouldn't have thought anything of it had it not been for what I've already written in this letter.

I asked Mr. Matthews why he was listening to me. He replied, tersely, "Because it's my job!"

I later filled out a personnel statement on the pilot deviation incident. Nothing more was said between us.

Three days later I discovered two QAR reports in the Safety Suite system for the same pilot deviation of NWA236. The first QAR was opened minutes after the event and was closed by Operations Manager Cuthbertson the same day after the tapes were reviewed and it was discovered that indeed a pilot deviation occurred. No performance deficiencies were noted and the QAR was closed.

A second QAR of the same pilot deviation was opened by Cuthbertson about an hour and 15 minutes after the first one was opened. This second QAR has a 'comment regarding individual performance': *'Review of voice and radar indicates ATCS Buxton issued descend via clearance prior to NWA236 passing DRUZZ intersection, the last fix on the STAR with "expect altitude" instructions.'* And a supervisory note on the QAR report reads: *'Refresher/skill enhancement training on proper use of descend via on RNAV STAR. ATCS Buxton was briefed on 4/21/09 as to the proper procedures and when to issue descend via.'*

I have been issuing 'descend via' clearances for close to 10 years while working here at Potomac TRACON and at my previous post at the Southern California TRACON where I worked arrivals into Los Angeles International Airport. In fact, I was a workgroup member and union representative while at Southern California TRACON that designed new RNAV "descend via" type procedures along with a complete redesign of the airspace east of LAX. The fruits of my labor on that project, known as the Los Angeles Arrival Enhancement Project (LAAEP), were successfully implemented on March 10, 1998.

—

April 22, 2009. As noted in the second April 22nd QAR I was briefed by Ms. Smith 'as to the proper procedures and when to issue descend via.' That briefing, part of the discussion on April 20th (not the 21st) about my alleged performance deficiencies, was on an article in the FAA's April, 2009, Air Traffic Bulletin. The article is about the use of RNAV "descend via" clearances. Ms. Smith told me that according to the Air Traffic Bulletin I now must withhold "descend via" clearances for aircraft on the ELDEE4 Arrival until the aircraft has passed DOCCS or DRUZZ.

I immediately sensed that Ms. Smith was giving me incorrect information and that her direction to me could lead to an increase in pilot deviations of the ELDEE4 Arrival procedure. On April 22, 2009, I called Jim Arrighi at the FAA Headquarters System Operations Branch. Mr. Arrighi wrote the article in the Air Traffic Bulletin.

I spoke with Mr. Arrighi at length about the particular section in his article about when to issue "descend via" clearances. I told him about the interpretation that facility management, specifically Ms. Smith, has taken that the "descend via" clearance must be withheld until the aircraft reaches a certain point. Mr. Arrighi disagreed with Ms. Smith's interpretation about when a "descend via" clearance should be issued. He commented to me, "Honestly, I've never heard of an interpretation like this before."

I also talked with Mr. Arrighi about TRACON management's use of his article as a directive. Both of us know full well that an Air Traffic Bulletin is neither a directive nor a method to change or implement new procedures.

I wrote a letter about my telephone conversation with Mr. Arrighi and delivered it to Ms. Smith on April 25, 2009. (Attached.)

Just as I have been treated differently than my co-workers when I report a pilot deviation I am being treated differently in the way information is briefed to me. FAA Order 7210.3, Facility Operations and Administration, paragraph 2-2-9, describes the purpose of an air traffic bulletin and how the information is to be communicated to air traffic controllers.

I was verbally briefed on the Air Traffic Bulletin by my supervisor on April 20, 2009, and directed to issue "descend via" clearances contrary to FAA Order 7110.65, Air Traffic Control. Other air traffic controllers are receiving their briefing by reading for themselves, if they choose, the Air Traffic Bulletin which has been placed by FAA management in the "Non-mandatory Read Binder" located in the TRACON.

Paragraph 2-2-9 b. states: *Ensure that Air Traffic Bulletin items with operational / procedural impacts are verbally discussed / briefed with facility personnel.*

The Air Traffic Bulletin is being used as another tool to coerce me into stopping my reports of pilot deviations. If the Air Traffic Bulletin article about when air traffic controllers should issue a "descend via" clearance was verbally discussed with me then one must assume that it is an item with 'operational or procedural impact'—just like paragraph 2-2-9 b reads.

If the Air Traffic Bulletin item is such an "impact" then why aren't other air traffic controllers being given a similar briefing on it? Why am I being treated differently than my co-workers? The answer to both questions is, I have reported numerous safety violations of the ELDEE4 Arrival procedure to FAA management and they don't like it one bit. They don't like it because they have not figured out a way to prevent these pilot deviations from occurring. They don't like it because the solution to stopping the pilot deviations would require a change to the ELDEE4 Arrival procedure. And they don't like that because changing the procedure would be an admission that for the past 22 months they have allowed an unsafe procedure to be utilized by air carrier pilots.

—

April 29, 2009. I met with my supervisor, Ms. Smith, for my bi-annual Technical Training Discussion (TTD) for the period between October 1, 2008, and March 31, 2009. By chance, a week earlier I had printed out a copy of the TTD that she had posted on my Safety Suite page. The TTD form that Ms. Smith gave to me on April 29th was different than the April 22nd form in one respect: comments about my individual performance.

On the April 22nd TTD form Ms. Smith wrote: *"Overall Randy is a solid controller especially with steady moderate arrival traffic. During this period there has been only one time that I personally have had to discuss his performance. On April 20th Randy and I discussed a couple performance deficiencies while working the LURAY sector. Most notably it was identified that Randy was not issuing the current altimeter (7110.65 2-7-3) to any DCA arrivals and that his inter/intrafacility communications (7110.65 2-4-12) were below standards."*

But on the April 29th TTD form Ms. Smith had deleted all of the above and wrote: *"On April 20th Randy and I discussed performance deficiencies identified March 18 and 23, 2009 while working the LURAY sector. It was discovered that Randy, during a QAR audit, was not issuing the current altimeter (7110.65 2-7-2) or not ensuring the proper ATIS code (7110.65 4-7-10) to some DCA arrival aircraft. Also, Randy's inter/intrafacility communications (7110.65 2-4-12) were not in accordance with Order 7110.65. During this meeting I addressed using "descend via" phraseology and referenced the Air Traffic Bulletin dated April 2009 which supports Order 7110.65 para 4-5-7 h2 Altitude Information. "2. A descend via clearance shall not be used where procedures contain published "expect" altitude restrictions."*

Obviously, Ms. Smith's April 29th comments are more stringent than those found on the April 22nd TTD form. Why were they changed and/or who told her to do it?

This is a continuing and troubling trend—changing the performance reports—to document that my performance doesn't meet specific criteria. Laying the groundwork for discipline.

—

It is a sad statement that my employer has resorted to squelching my reports of pilot deviations for nearly a year and a half through coercion and intimidation. It hasn't worked. Pilot deviations on the ELDEE STAR are still happening, I'm still reporting pilot deviations, and FAA management has not fixed the procedure.

—

FAA Administrator's Hotline complaint

February 4, 2008

Re: Unreported pilot deviation at Potomac TRACON

At or about 4:05pm on February 2, 2008, Continental Airlines Flight 458 (COA458), enroute to Washington-National Airport, entered Potomac TRACON airspace southwest of the Linden (LDN) VORTAC. Upon checking in (with me) at the TRACON's LURAY Sector COA458 was cleared to descend via the ELDEE2 Standard Terminal Arrival (STAR) procedure. A pilot deviation occurred when COA458 descended to 13000 feet five miles southwest of LDN. COA458 should, per the STAR, have remained at 15000 feet until passing the MORTY waypoint, which is approximately five mile north of LDN.

I notified Front Line Manager Dave Waudby of the incident and he advised me that he would forward it to the Operations Manager In Charge, who at the time was Brian Hayes. At the end of my shift I checked the Facility Operations Log to ensure that the incident was recorded. It was not.

This pilot deviation could have affected the safety of operations. There is, of course, a reason that aircraft are to remain at 15000 feet until a certain point. And that is to allow other jet aircraft departing Dulles Airport to climb to 14000 feet. Luckily, there was not a Dulles jet departure anywhere near this incident. We would be reading about it in the Washington Post had there been.

These "busted altitude" incidents have occurred numerous times since December 20, 2007, which is when the ELDEE2 STAR became effective. It seems that there is no effort to document and correct these repeated pilot deviations that are a result of this new procedure.

I am expected to uphold a certain standard while doing my job as an air traffic controller. I expect facility management to uphold their responsibility by handling these incidents as FAA Order 8020.16 prescribes. The primary purpose of the air traffic control system is to prevent a collision between aircraft operating in the system. I'm doing my part.



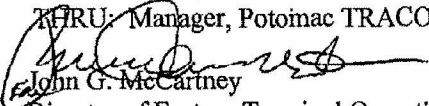
Randall Buxton
Air Traffic Controller
Potomac TRACON

(h)540.428.1844
(c)540.272.7976



Federal Aviation Administration

Memorandum

Date: FEB 27 2008
To: Randall Buxton, Air Traffic Controller
TRRU: Manager, Potomac TRACON
From: 
John G. McCartney
Director of Eastern Terminal Operations
Subject: Administrator's Hotline Complaint #2008-0205-0002

The Regional Administrator has forwarded your hotline inquiry to this office for reply.

Your hotline complaint stated your concern about the number of undocumented pilot deviations since ELDEE 2 Standard Terminal Arrival (STAR) procedure became effective. You reported a pilot deviation that occurred on February 2, 2008 at 4:05pm involving Continental Airlines Flight 458. You stated there is no effort in documenting repeated deviations.

The Potomac Quality Assurance Office reviewed the radar and voice recordings for the pilot deviation of Continental Airlines Flight 458. In addition, the Support Manager for Quality Assurance interviewed the Operations Manager In Charge (OMIC).

The radar and audio data revealed the aircraft did in fact deviate from the stated altitude assignments contained in the ELDEE 2 STAR procedure. The controller reported this incident to the Front Line Manager (FLM); the FLM reported it to the OMIC. The OMIC should have made an entry in the facility's daily log and filed a preliminary pilot deviation report. He failed to take action because he was engaging with several system outages that were occurring at the time. The pilot was not advised that he had deviated from the procedure, nor was he requested to contact the facility as required.

This aircraft failed to maintain the altitude assigned by the previous facility and began its descent before the proper fix on the ELDEE 2. Because there was no exchange of information between the controller and the pilot, or the pilot and the OMIC, we do not know why he did not fly the procedure. The pilot or his equipment could have caused this deviation. The Support Manager for Quality Assurance is filing a Pilot Deviation Report.


We have received several complaints from pilots that the altitude profile on one section of the ELDEE 2 STAR is difficult to fly for some specific types of aircraft when they are experiencing a tailwind component. For that reason, we are revising the procedure to reduce the number of altitude restrictions. We are advising all personnel of this. Controllers have the discretion to allow aircraft to alter the altitude profile on the STAR.

We hope this information satisfies your inquiry.



Federal Aviation Administration

Memorandum

Date: February 13, 2008
To: All Management Personnel, Potomac TRACON
From: 
Barbara J6 Cogliandro, District Manager, Potomac TRACON
Subject: Pilot Deviations (PDs)

We continue to receive information about problems with pilots flying some of the RNAV procedures. We recently investigated an incident, reported via a Hotline complaint, that talked about a PD in the vicinity of LDN by an aircraft on the ELDEE. The complainant reported this PD, mentioned the fact that it had not been documented by the OMIC, and that there is "no effort to document and correct these repeated pilot deviations..."

The investigation revealed that the aircraft did deviate from the procedure by descending to 130 and not crossing LDN or MORTY at 150. The controller advised the FLM who advised the OMIC. The OMIC being busy with numerous outages failed to write a QAR or file a preliminary PD report. The controller did not advise the pilot he had deviated nor did he advise the pilot to contact the facility.

We do not have choices here. We are constantly being asked to investigate the "numerous" pilot deviations by aircraft flying the TERPZ and the ELDEE but then there are no facts to support the allegations.

Be advised, you must report pilot deviations. You need to remind controllers when a deviation occurs reporting it to you is only a portion of his responsibility. He has to advise the pilot of the fact he/she has deviated from a clearance or procedure and the controller must instruct the pilot to contact the facility. This is required in the 7110.65. We have no way of correcting pilot error if it isn't reported. Without facts we have no way of separating poor performance by a pilot or equipment problems from a poor procedure. We work closely with Flight Standards and they are well aware of incidents in areas of the procedures that have proven to be problematic for pilots. Like the ELDEE's numerous crossing restrictions, these are being modified as soon as possible.

March 6, 2008

To: Barbara Cogliandro, ATM, Potomac TRACON

Through: Michael Carioscia, FLM, Potomac TRACON

From: Randall Buxton, CPC, Potomac TRACON

Re: Hostile Work Environment Prevention

In case you are not already aware, I made a written complaint to the FAA Administrator's Hotline on February 4, 2008, concerning the failure of facility management to process a pilot deviation that occurred on February 2, 2008. A copy of the original complaint is attached.

A few days ago I came into possession of your memorandum to your subordinate managers/supervisors concerning the processing of pilot deviations. While I appreciate that you found that the complaint was valid I do not appreciate the backlash that your memorandum has created.

Some of your supervisors are telling my peers that they are "doing this (reporting pilot deviations) because of the hotline complaint Randy Buxton wrote." This attempt by your supervisors to direct blame away from them on to me is appalling and will not go unchallenged.

You and your management team's attempt to divide the controller ranks by planting the seed that I am the cause of the increased concern about safety issues borders on the absurd.

Luck is the only thing that prevented the pilot deviation (referenced in the hotline complaint) from being a catastrophe. This was not just any pilot deviation. The pilot descended 2000 feet lower than his clearance allowed. For anyone to be offended by raising this matter the way I chose should be ashamed. How would we all feel if I took the "no harm-no foul" attitude this time? Next time, same thing happens except there is another airplane sharing the same little piece of sky with the airplane that just descended 2000 feet below its clearance. How do we explain that? Could we be responsible and say that we knew these pilot deviations were occurring but chose to do nothing?

You also try to shirk responsibility by alluding to the fact that I erred by not advising the pilot that he deviated from his altitude assignment and to call the facility. Guilty as charged. I have news for you; when a controller suspects that a pilot deviation has occurred he or she does not immediately notify the pilot using the 7110.65/8020.16 phraseology. We work the airplanes and when workload permits we advise the supervisor what occurred (as required by 7210.56C, paragraph 5-1-2 c.) We do not, and

are not required to, advise a pilot that he or she is suspected of committing a deviation and/or to call the facility unless a supervisor directs us to.

Please close the book on this matter by directing your management team to stop engaging in behavior that will lead to a regrettable conclusion if allowed to persist.

Sincerely,

/ORIGINAL SIGNED BY/

Randall Buxton
Air Traffic Controller
Potomac TRACON

Cc: Chris Sutherland, NATCA PCT Local President
Steve Kelley, NATCA PCT Mount Vernon Area Representative

PROBLEM SOLVING MEETING REQUEST

Date: March 24, 2009

From: Randall Buxton, CPC, Potomac TRACON

To: Natalie Smith, FLM, Potomac TRACON

In accordance with Article 8, of the NATCA/FAA Collective Bargaining Agreement I request that you arrange a meeting to discuss the following complaint.

On March 23, 2009, at about 9:25am I was working the LURAY position when I reported to Mount Vernon Area Front Line Manager Al Castillo that UAL602 had descended below its assigned altitude as per the ELDEE4 STAR. I, along with a fellow controller working at an adjacent position, observed UAL602 at 14,500 feet between DRUZZ and REVUE (should have been at 15,000 feet.)

A few minutes later Mr. Castillo handed me a blank personnel statement form and asked that I document the event. I did as instructed and handed the completed form to Mr. Castillo. After an hour or so Mr. Castillo advised me that the facility Quality Assurance staff reviewed the incident and determined "the aircraft only descended three hundred feet so they're not going to do anything."

I asked Mr. Castillo if they (Quality Assurance staff) were looking at this only from a pilot deviation perspective. His answer was "yes." Myself and Mr. Castillo, both of us aware that this sort of altitude deviation occurs often with aircraft on the ELDEE4 STAR, talked a bit about why we think it's happening. I replied that I have no idea why but we will never know until we start calling the airline companies and doing some research on what is going on in the cockpit and get out of the mindset of filing pilot deviations as the means to address the obvious problem with the ELDEE4 STAR. Mr. Castillo said that he would talk to Support Manager Anthony White about it.

Mr. Castillo told me later in the day (March 23, 2009) that Mr. White would start calling the airline companies and see if he could figure out what was happening (e.g. the numerous altitude deviations on the ELDEE4 STAR.) This is the first time I have heard of a facility manager taking the initiative to address this issue.

Now to the complaint. At or about 2:25pm on March 23, 2009 a fellow controller—the same one who also observed UAL602 at 14,500 feet between DRUZZ and REVUE—was stopped by Randy Horner, a staff specialist who clearly has knowledge of this event, and asked: "What do you think of a controller who reports a pilot deviation of only 100 feet?" The controller, Kevin Propheter, sensing that Mr. Horner was trying to *stir the pot*, told him in so many words, that he also observed UAL602 at 14,500 feet and Randy (me) was just complying with agency orders which were reiterated in a memorandum from the facility air traffic manager on February 13, 2008. (R&I #08-034; Pilot Deviations.)

It is my belief that Mr. Horner is operating at the behest of and in concert with facility middle and upper managers to coerce or otherwise suppress the reporting of possible pilot deviations by air traffic controllers. His little chat with Mr. Propheter leaves me no doubt that he and those middle and upper managers working close with him have schemed to downplay the seriousness of aircraft deviating from the altitude restrictions contained in the ELDEE STAR.

For more than one year, time after time, I have reported so many altitude deviations by aircraft on the ELDEE STAR I've lost count. I have heard, and been told of, supervisors trying to pit my co-workers against me by saying: "We're only reporting these (pilot deviations) because Randy made a Hotline complaint." Nonetheless, I have persevered and continue to follow the rules and report these events.

Besides the irrefutable fact that I am required to report pilot deviations, the information these events hold would give facility management the key to figuring out why airplanes are descending out of the sky when they shouldn't be. That is if Mr. Horner, the facility Quality Assurance staff, and the middle and upper managers weren't preoccupied with covering up what is being reported by the people that are witness to it every single day.

My Union representative is Bennie Hutto.

/ORIGINAL SIGNED BY/
Randall Buxton

Date of delivery



DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION
PERSONNEL STATEMENT

1 NAME OF REPORTING FACILITY: **PCI**
 2 REPORT NUMBER:
 3 AIRCRAFT IDENTIFICATION AND TYPE: **AAL1544 MD83/Q**

4 LOCATION OF ACCIDENT/INCIDENT: **AML 298/043**
 5 DATE/TIME OF ACCIDENT/INCIDENT (UTC): **4/12/09 0016Z**
 6 EQUIPMENT ATTACHMENT: YES NO

7 NAME (OPERATING INITIALS): **Randall Borton (BR)**
 8 TITLE: **CPL**
 9 POSITION AND TIME (UTC): **LURAY 00:17-0100Z**

10. COMPLETE IN ACCORDANCE WITH FAA ORDER 8020.16, AIR TRAFFIC ORGANIZATION, AIRCRAFT ACCIDENT AND INCIDENT NOTIFICATION, INVESTIGATION, AND REPORTING, PARAGRAPH 91, FAA FORM 8020-26, PERSONNEL STATEMENTS THE PURPOSE OF THIS STATEMENT IS TO PROVIDE ANY FACTS WITHIN YOUR PERSONAL KNOWLEDGE THAT WILL PROVIDE A COMPLETE UNDERSTANDING OF THE CIRCUMSTANCES SURROUNDING THIS ACCIDENT/INCIDENT. SPECULATIONS, HEARSAY, OPINIONS, CONCLUSIONS, AND/OR OTHER EXTRANEIOUS DATA ARE NOT TO BE INCLUDED IN THIS STATEMENT THIS STATEMENT MAY BE RELEASED TO THE PUBLIC THROUGH THE FREEDOM OF INFORMATION ACT OR LITIGATION ACTIVITIES INCLUDING PRETRIAL DISCOVERY, DEPOSITIONS, AND ACTUAL COURT TESTIMONY. THIS STATEMENT IS TO BE HAND PRINTED AND SIGNED BY YOU. AND YOUR SIGNATURE BELOW CERTIFIES THE ACCURACY OF THIS STATEMENT. IT WILL NEITHER BE EDITED NOR TYPED AND, ONCE SIGNED, WILL CONSTITUTE YOUR ORIGINAL STATEMENT.

11. TEXT OF STATEMENT ORIGINAL SUPPLEMENTAL

I cleared AAL1544 to "descend via the ELDEE4 Arrival."
 AAL1544 descended out of 15000 after passing DRUZZ.
 I advised AAL1544 of the 15000 ft. crossing restriction
 at REVUE (which was crossed about 13000 feet.)
 Later the pilot advised that the REVUE restriction was not in
 the FMS database.

12 SIGNATURE OF WITNESS: *[Signature]*
 13 DATE OF SIGNATURE: **4/12/09**

In reviewing PEAR-PCT-09-026, some additional performance deficiencies have been noted with Randy Buxton's performance on the Luray position 3/18/09.

The controller does not verify FFT728 has the current ATIS or provide the altimeter.
RPA2419 checks on with H, when I is current. Not corrected. No broadcast of current altimeter. 2 aircraft on frequency (JIA412 and UAL608 reported H and not given I)
Coordination with ZDC without operating initials
UAL608 is issued a speed reduction of 250knots at FL180 in ZDC airspace without coordination.
Transfer of control point is the airspace boundary.

After reviewing a possible pilot deviation on UAL602, I reviewed the radar session of Randy Buxton on the Luray position from 1247-1345 on 3/23/09. Some performance deficiencies were noted:

EGF4779 and UAL602 were both inbound to DCA. Luray did not ensure the current ATIS code or issue the current altimeter.
AWI3835 was taken off the ELDEE4 arrival and left on a 090 heading. This was not coordinated with the receiving controller, OJAAY, who only was alerted to the heading by the pilot.
When the DCA ATIS changed from V to W, no broadcast was made.
Several instances the controller used non standard phraseology, particularly when assigning speeds, ie "Bluestreak five fourteen two hundred and fifty knots" (NWA557, AWI3901, JENNA623)
The position relief briefing was incomplete.

ATCS: Randy Buxton
Supervisor: Natalie Smith

Area: MTV

During the investigation of a Pilot Deviation PEAR-PCT-09-026 that occurred on March 18, 2009 and an investigation of a possible pilot deviation with UAL602 on March 23, 2009, you were identified as the controller responsible for the LURAY position. During the investigations of these incidents your performance was reviewed and the following performance deficiencies were identified:

1. Failure to provide advance approach information in accordance with FAAO 7110.65S, paragraph 4-7-10 Approach Information and PCT7110.65B 3-2-10 Advance Approach Information and Broadcasting ATIS Code/Message Changes. 3/18/2009 & 3/23/2009
2. Failure to use proper phraseology while issuing speed adjustments in accordance with FAAO 7110.65S paragraph 5-7-2 Methods (of Speed Adjustments). 3/18/2009 & 3/23/2009
3. Failure to use proper format for interphone intra/interfacility communications in accordance with FAAO 7110.65S paragraph 2-4-12 Interphone Message Format. 3/18/2009
4. Failure to provide proper position relief briefing in accordance with PCT 7110.65B paragraph 3-1-5 Transfer of Position Responsibility and Use of Check List. 3/23/2009
5. Improper issuance of speed adjustment to aircraft not in your control in accordance with ZDC/PCT LOA paragraph 5a6. 3/18/2009
6. Failure to deliver aircraft to OJAAY in accordance with PCT 7110.65B Section 18 LURAY Table 8-18-2. 3/23/2009

I have listened to both tapes for March 18, 2009 and March 23, 2009 regarding Randy Buxton's performance issues.

This most notable deficiency I noticed was that Randy at no time gave an altimeter setting. According to the 7110.65 2-7-2 "Issue the altimeter setting: To arriving aircraft on initial contact or as soon as possible thereafter. The tower may omit the altimeter if the aircraft is sequenced or vectored to the airport by the approach control having jurisdiction at that facility." This, primarily, is an extremely important item considering we use altitude separation constantly (arrival/arrival, departure/departure and most importantly arrival/departure) in this sector.

He did, on only a couple occasions, fail to issue the current DCA ATIS on arrivals.

Speed adjustments were actually pretty good. He gave speed restrictions when necessary to a/c after assessing all other relative a/c speeds. All speed restrictions were then relayed to ZDC. I do agree, on a couple of occasions, his phraseology was a bit relaxed. This, however, can be discussed, without remedial training. It is obvious from these tapes that he knows what he is doing.

Interphone communications (inter and intra) are, I agree, below standards. He simply does not identify himself/position. This shall be addressed.

Relief briefings were difficult to understand. I will, however, monitor his relief briefings to ensure his compliance.

Speed control in ZDC airspace is a tough one. Most LURAY controllers use this tool to control the airspace. Normally the a/c are close enough to terminal airspace so as to seem transparent to the center controllers. In short, no impact on the center.

I don't understand exactly what you mean by "Failure to deliver aircraft to OJAAY in accordance with PCT 7110.65B..." If the a/c is on the arrival they should be where they are supposed to be. And if this is addressing Randy forgetting to transfer radio communications, well, that happens to everybody now and then. I would only consider it a performance deficiency if it was habitual.

PROBLEM SOLVING MEETING REQUEST

Date: April 21, 2009

From: Randall Buxton, CPC, Potomac TRACON

To: Natalie Smith, FLM, Potomac TRACON

In accordance with Article 8, of the NATCA/FAA Collective Bargaining Agreement I request that you arrange a meeting to discuss the following concern.

On April 20, 2009, you summoned me to the supervisor's office at the Potomac TRACON for the purpose of communicating to me the results of a Quality Assurance Review (QAR) of my performance that was found during the investigation of pilot deviations that I reported to management on March 18, 2009, and March 23, 2009.

The information you provided to me, both orally and in writing, citing specific performance deficiencies identified during the QAR is incomplete and inaccurate. In order for me to better understand what performance deficiencies contributed to, increased the conformance of, or unreasonably failed to mitigate the incidents on March 18 and 23, 2009, please provide me with the opportunity to review the audio and radar data that was used to develop the material presented to me on April 20, 2009.

It is my belief that this matter may lead to disciplinary action. Therefore, I am requesting the presence of my Union representative during all phases as this matter progresses.

My Union representative is Bennie Hutto.



Randall Buxton

4/21/09

Date of delivery

Cc: Brendan Connolly, President, NATCA Potomac TRACON Local

Time: 17:16z	Date: 4/22/2009	Area: MTV	CPC: RANDALL BUXTON - BX	Position: LURAY	CPC First Level: NATALIE SMITH - NL	CPC Second Level: KEVIN CUTHBERTSON - KV
OS/CIC on Duty (Initials):MJ ACID:NWA236 QAR Type: Other						
Emphasis Items						
Meets standards	Does not meet standards	Not observed	Emphasis items			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ensuring aircraft have appropriate ATIS Code			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Interphone Coordination (format/timeliness)			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Safety alerts are issued			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Merging target procedures are applied			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Position relief briefings conducted appropriately			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Reason for vectors given			
Comments - Regarding individual performance						
Log entry - Type the actual entry for the 7230 here						
NWA236 (A320/Q) IN BOUND TO DCA VIA ELDEE4 ARRIVAL APPEARED TO DESCEND PREMATURELY OUT OF 15,000 PRIOR TO DRUZZ.						
Supervisor Action - Enter Action Taken						
<input type="radio"/> Refresher Training <input type="radio"/> Skill Enhancement Training <input type="radio"/> Remedial Training <input checked="" type="radio"/> None Required						
QAR Status						
QAR Closed <input checked="" type="checkbox"/> Close Date 4/22/2009						
Entered By : MJ - Closed by : KV						

Time: 19:03z	Date: 4/22/2009	Area: MTV	CPC: RANDALL BUXTON - BX	Position: LURAY	CPC First Level: NATALIE SMITH - NL	CPC Second Level: KEVIN CUTHBERTSON - KV
OS/CIC on Duty (Initials):MJ ACID:NWA236 QAR Type: Other						
Emphasis Items						
Meets standards	Does not meet standards	Not observed	Emphasis items			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ensuring aircraft have appropriate ATIS Code			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Interphone Coordination (format/timeliness)			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Safety alerts are issued			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Merging target procedures are applied			
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Position relief briefings conducted appropriately			
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Reason for vectors given			
Comments - Regarding individual performance						
REVIEW OF VOICE AND RADAR INDICATES ATCS BUXTON ISSUED DESCEND VIA CLRNC PRIOR TO NWA236 PASSING DRUZZ INTERSECTION THE LAST FIX ON THE STAR WITH "EXPECT ALT" INSTRUCTIONS.						
Log entry - Type the actual entry for the 7230 here						
NWA236 ISSUED DESCEND VIA CLRNC ON ELDEE4 STAR AND BEGAN DESCENT FROM 150 PRIOR TO REVUE, PD PEA-R-PCT-09-050 FILED AND FAXED TO ROC.						
Supervisor Action - Enter Action Taken						
<input checked="" type="radio"/> Refresher Training <input type="radio"/> Skill Enhancement Training <input type="radio"/> Remedial Training <input type="radio"/> None Required						
REFRESHER/SKILL ENHANCEMENT TRAINING ON PROPER USE OF DESCEND VIA ON RNAV STAR. ATCS BUXTON WAS BRIEFED ON 4/21/09 AS TO THE PROPER PROCEDURES AND WHEN TO ISSUE DESCEND VIA.						
QAR Status						
QAR Closed <input checked="" type="checkbox"/> Close Date 4/28/2009						
Entered By : KV - Closed by : HR						

U.S. Department
of Transportation

Federal Aviation
Administration

Air Traffic Bulletin

Issue # 2009-1
April 2009

A Communication from the
Vice President, System Operations Services

In this Issue:

Service Levels A, B, and C Thunderstorm Reporting

*Use of Descend via Clearances on STAR/RNAV
STAR/FMSP Procedures*

*Course Guidance for Pilots Conducting Dual and
Triple Simultaneous ILS/MLS Approaches*

*/*TRF/E Automated Lightning Detection and Reporting System (ALDARS) was interfaced in the Automated Surface Observing System (ASOS) software version 2.6. This modification to the system provides thunderstorm information (cloud-to-ground lightning reports) out to 10 miles from the airport, and lightning information from 10 to 30 miles from the airport.*

Thunderstorm activity will be reported as "TS" in the present weather field of the meteorological report/special observation (METAR/SPECI) if report of the storm is located within a 5-mile radius of the airport. If activity is detected beyond 5 miles, but less than 10 miles from the airport, the thunderstorm is considered to be located in the vicinity of the airport and is reported as "VCTS." Any activity from 10 to 30 miles is defined as distant lightning and reported as "LTG DSNT (direction)." Unlike "TS" and "VCTS," "LTG DSNT NW" is reported in the

remarks section of the weather report. A SPECI will be generated when the thunderstorm activity indicates movement from outside a 10-mile radius of the airport to inside a 10-mile-radius. A SPECI will also be generated when a previously reported thunderstorm has ended, or has moved outside a 10-mile radius of the airport.

Lastly, a SPECI will be generated when a TS in the VCTS (1) moves inside the 5-mile radius of the airport (becomes TS at the airport); (2) a TS moves outside the 5-mile radius (becomes VCTS); or (3) ends.

If there is no lightning detected for 15 minutes, a SPECI will be generated to end the thunderstorm with specific information in the remarks section. For example, TSE23 means the thunderstorm ended at 23 minutes after the hour. If lightning is present, but moved outside of a 10-mile radius, LTG DSNT NE TSE23 will appear in the remarks section.

When the ALDARS service was implemented, the functionality for accurately reporting thunderstorms at the airport was discovered. If a thunderstorm starts as VCTS, and moves into the 5-mile radius, no change to the TS will occur. The ASOS will record the change, but take no action to generate the SPECI. This places the liability for missing this report on the observer/air traffic controller. Since it was not ensured that the operator interface device be

monitored continuously, a policy was set that until the ALDARS software could be changed to perform the new SPECI for VCTS to TS, it must not be enabled when the observer is present, and thunderstorm reporting would be provided by a human observer. When a facility closes, the controller/observer must ensure the ALDARS is enabled to continue the reporting service for pilots. Conversely, when a facility opens, the controller/observer must ensure the ALDARS is disabled.

Note: Service level D locations are "stand-alone" sites and have no observer interface. The ASOS Operations and Monitoring Center can access the entire system at all levels for remote maintenance and diagnostics.

USE OF DESCEND VIA CLEARANCES ON STAR/ RNAV STAR/FMSP PROCEDURES DESCEND VIA CLEARANCES; ALTITUDE RESTRICTIONS; SPEED RESTRICTIONS; VECTORS OF THE STAR/RNAV STAR/FMSP.

*/*TR/E* To review "descend via" clearance procedures and altitude and speed restrictions as they pertain to standard terminal arrival (STAR), what procedures to use when it is necessary to vector an aircraft off a STAR, and how to resume a STAR using "descend via" clearance procedures, the following is provided.

USE OF "DESCEND VIA" CLEARANCES.

"Descend via" clearances take advantage of modern flight management system (FMS) automation capabilities to fly precise lateral and vertical paths, and manage aircraft speed when flying STAR procedures. Using "descend via" reduces phraseology and pilot/controller workload by providing one clearance to authorize aircraft to fly a STAR pre-coded with a vertical path (crossing altitudes) and speeds. Although the preference is to allow aircraft to fly procedures as published, Order JO 7110.65 allows controllers to vector aircraft and assign speeds/altitudes as required, to expedite traffic, manage compression, and ensure safety.

"DESCEND VIA" PHRASEOLOGY.

Clearance to "descend via" authorizes aircraft to fly the published STAR lateral path and to descend at the pilot's discretion to meet all depicted altitudes and speed restrictions for the procedure. When a STAR

contains runway transitions, the transition is included in the "descend via" clearance. If a runway assignment or any subsequent runway change is not issued before 10 nautical miles (NM) from the runway transition waypoint, radar vectors to final shall be provided. When changing frequencies, pilots flying "descend via" clearance are required to advise the receiving controller they are descending via the assigned procedure.

"Descend via" may not be used on any portion of a route containing published "expect" altitude restrictions. However, once beyond that portion of the procedure, "descend via" may be used if there are no further "expect" altitudes published on the route. When there is an operational advantage, "descend via" may be used to shortcut an aircraft to a waypoint/fix on a STAR. Keep in mind, if no altitude restriction is published for the waypoint/fix, one must be assigned. The controller is responsible for obstacle clearance until the aircraft is established on the STAR. The aircraft will then fly the remainder of the STAR as published. However, be aware a shortcut could impact the stability of the profile, and the pilot's ability to comply with subsequent altitude/speed constraints.

ALTITUDE AND SPEED CHANGES. Controllers may issue "descend via" clearance and modify waypoint/fix speed, crossing altitude restrictions or final altitude with clearance, if necessary. If an assigned altitude is subsequently modified or restated, any intervening restrictions must also be restated; otherwise, the restrictions no longer apply. Without the use of "descend via" clearance for a procedure containing published altitude restrictions, pilots are required to comply with the last altitude assignment received. However, pilots are always required to comply with published speed restrictions unless modified by air traffic control (ATC). When issuing "descend via" clearance, if previously issued speed restrictions are still required, the restrictions must be restated.

When assigned speeds are no longer required, pilots are advised to "resume normal speed." However, there are reports that pilots may misunderstand the meaning of normal speed and may have to be instructed to comply with restrictions. For example, "delete speed restrictions" was suggested, by the Performance-Based Operations Aviation Rulemaking Committee, to release pilots from

April 25, 2009

From: Randall Buxton, CPC, Potomac TRACON

Natalie Smith, FLM, Potomac TRACON

I spoke with Jim Arrighi at FAA HQ System Operations Branch. Jim wrote the RNAV piece in this month's Air Traffic Bulletin. I called Jim to clarify the incorrect information that I've heard from supervisors as they have been briefing controllers on the content of the Air Traffic Bulletin.

Here's what Jim said: "If a hard altitude is assigned at the "expected altitude" waypoint (like DOCCS or DRUZZ), as ZDC does, the pilots would have that programmed in their FMS and it is not necessary, nor was that my intention when I wrote it, to withhold the "descend via" clearance until the aircraft has passed that "expect altitude" waypoint. Honestly, I've never heard of an interpretation like this before. And since the crossing restrictions after DOCCS and DRUZZ are the same as the previously issued then there is truly no need to withhold the "descend via" clearance."

Jim added: "The Air Traffic Bulletin is not a change to 7110.65 procedures rather it is only intended as a reminder to air traffic controllers on the correct application of RNAV procedures; just like it says in the 7210.3 (paragraph 2-2-9.)"

Jim told me that if there are continued misunderstandings in the field then a call to him (at 202-385-4680) will get a quick reply back.

A handwritten signature in cursive script, appearing to read "R. Buxton".

15% occurred with time on position between 61 to 95 minutes
 8% occurred with time on position over 90 minutes

Special Emphasis Items

PIREPS

Hearback/Readback

Safety Alerts/Merging Target Procedures

- Be aware of controllers turning opposing base with aircraft at the same altitude.
- Correct usage of visual approach clearances, and appropriate speed control.
- Maintain a professional and cooperative relationship with the tower at all times.
- Ensure controllers are cognizant of the importance of the ADIZ positions responsibility to observe the target and advise the supervisor of any anomalies
- Class B containment
- Observing and issuing VFR traffic
- Ensuring current weather is received
- Checklist is used for relief briefing
- Hear back Read back

Overall, Randy is a solid controller especially with steady moderate arrival traffic. During this period there has been only one time that I personally have had to discuss his performance. On April 20th Randy and I discussed a couple performance deficiencies while working the LURAY sector. Most notably it was identified that Randy was not issuing the current altimeter (7110.65 2-7-3) to any DCA arrivals and that his inter/intrafacility communications (7110.65 2-4-12) were below standards.

Technical Training Assigned - Enter Action Taken

Refresher Training Skill Enhancement Training Remedial Training None Required

QARs for RANDALL BUXTON - 10/1/2008 to 3/31/2009

QAR Date: 10/11/2008 Position: OJAAY QAR Type: Other

Log Entry: EMERGENCY: AT 1720Z, BULLY22, 2/F16'S, DCA ARRIVAL FROM THE SOUTH, ELECTRICAL MALFUNCTION DECLARED EMERGENCY WITH ZDC PROCEEDING DIRECT ADW FOR VA RWY 1R. EMERGENCY ACFT BULLY22 LANDED RWY 1R WITHOUT INCIDENT AT 1727Z. HANDLING NORMAL. NO OTHER ACFT IMPACTED. QAR CLOSED. CA.

Comments:

Training: None Required -

- Ensuring aircraft have appropriate ATIS Code	Meets requirements
- Interphone Coordination (format/timeliness)	Meets requirements
- Safety alerts are issued	Meets requirements
- Merging target procedures are applied	Meets requirements
- Position relief briefings conducted appropriately	Meets requirements
- Reason for vectors given	Meets requirements

QAR Date: 10/31/2008 Position: OJAAY QAR Type: TCAS RA

Log Entry: AWI4017 LEVEL AT 6,000' RESPONDED TO AN RA WITH N404CP LEVEL VFR AT 6,500'. AWI4017 DESCENDED WITH NO LOSS OF SEPARATION.

Comments:

Training: None Required -

15% occurred with time on position between 61 to 95 minutes
8% occurred with time on position over 90 minutes

Special Emphasis Items

PIREPS

Hearback/Readback

Safety Alerts/Merging Target Procedures

- Be aware of controllers turning opposing base with aircraft at the same altitude.
- Correct usage of visual approach clearances, and appropriate speed control.
- Maintain a professional and cooperative relationship with the tower at all times.
- Ensure controllers are cognizant of the importance of the ADIZ positions responsibility to observe the target and advise the supervisor of any anomalies
- Class B containment
- Observing and issuing VFR traffic
- Ensuring current weather is received
- Checklist is used for relief briefing
- Hear back Read back

On April 20th Randy and I discussed performance deficiencies identified March 18 and 23, 2009 while working the LURAY sector. It was discovered that Randy, during a QAR audit, was not issuing the current altimeter (7110.65, Para 2-7-2) or not ensuring the proper ATIS code (7110.65, Para 4-7-10) to some DCA arrival aircraft. Also, Randy's inter/intrafacility communications (7110.65, Para 2-4-12) were not in accordance with Order 7110.65. During this meeting I addressed using "descend via" phraseology and referenced the Air Traffic Bulletin dated April 2009 which supports Order 7110.65 para 4-5-7 h2 Altitude Information. " 2. A descend via clearance shall not be used where procedures contain published "expect" altitude restrictions."

Technical Training Assigned - Enter Action Taken

Refresher Training Skill Enhancement Training Remedial Training None Required

QARs for RANDALL BUXTON - 10/1/2008 to 3/31/2009

QAR Date: 10/11/2008	Position: OJAAY	QAR Type: Other
<p>Log Entry: EMERGENCY: AT 1720Z, BULLY22, 2/F16'S, DCA ARRIVAL FROM THE SOUTH, ELECTRICAL MALFUNCTION DECLARED EMERGENCY WITH ZDC PROCEEDING DIRECT ADW FOR VA RWY 1R. EMERGENCY ACFT BULLY22 LANDED RWY 1R WITHOUT INCIDENT AT 1727Z. HANDLING NORMAL, NO OTHER ACFT IMPACTED. QAR CLOSED. CA.</p>		
<p>Comments:</p>		
<p>Training: None Required -</p>		
- Ensuring aircraft have appropriate ATIS Code		Meets requirements
- Interphone Coordination (format/timeliness)		Meets requirements
- Safety alerts are issued		Meets requirements
- Merging target procedures are applied		Meets requirements
- Position relief briefings conducted appropriately		Meets requirements
- Reason for vectors given		Meets requirements

QAR Date: 10/31/2008	Position: OJAAY	QAR Type: TCAS RA
<p>Log Entry: AWI4017 LEVEL AT 6,000' RESPONDED TO AN RA WITH N401CP LEVEL VFR AT 6,500'. AWI4017 DESCENDED WITH NO LOSS OF SEPARATION.</p>		
<p>Comments:</p>		

FAA TAKES THE EASY WAY OUT TO SOLVE ELDEE4 ARRIVAL PROBLEM

By Randall Buxton

On April 13, 2009, TRACON management convened a meeting between several “stakeholders” that utilize the ELDEE Arrival. An air traffic controller who would have first-hand knowledge of the problems with this procedure was not invited.

Notes of the meeting are attached.

On May 25, 2009, I wrote and delivered a letter to Operations Manager Kevin Cuthbertson about a pilot deviation that was within seconds of being an incident where standard separation between two airplanes would have been lost. I also brought up the fact that a rumored change to phraseology (found in the meeting notes) would be a band-aid fix that does nothing to address the underlying cause to the pilot deviation problems on the ELDEE Arrival. My letter is attached. Cuthbertson never responded.

On August 10, 2009, TRACON management began briefing air traffic controllers on a phraseology change Notice (attached.) The Notice gave controllers three choices when issuing a ‘descend via’ clearance on the ELDEE Arrival. Supervisor Al Castillo recognized that one of the choices (a.) would violate an existing Air Traffic Control rule and brought it to the attention of TRACON Support Manager Brian Hughes. His response was, “Then don’t use it.”

I wrote and delivered a letter on August 24, 2009, to TRACON Air Traffic Manager Roderick Harrison reiterating the concern raised by Mr. Castillo. I never received a response from Mr. Harrison. My letter is attached.

Of the proposed solutions the FAA took the easy way out by increasing the workload of air traffic controllers directing them to use phraseology that runs counter to Order 7110.65, Air Traffic Control. The phraseology fix began August 27, 2009.

There have been two pilot deviations since the phraseology change Notice became effective.

Of those two pilot deviations, one was reported to management. Another was not.

It shouldn’t be any surprise at this point that most air traffic controllers have no interest in reporting pilot deviations. It’s not worth the trouble. TRACON management will turn the tables on air traffic controllers by scrutinizing their work and changing performance reviews if they decide to report chronic safety problems, like I have.

How will TRACON management know if their phraseology fix is working? (We already know it isn’t.) The culture that TRACON management caused—keep your mouth shut and look the other way—is still in place.

It’s already been proven—twice—that the underlying cause to the pilot deviation problem on the ELDEE Arrival will not be addressed by changing existing rules or phraseology.

Deb's comments are in blue.

Brendan,
return with your comments
to Deb.

ELDEE RNAV Arrival 13 April, 2009 Meeting Notes

Participants

Washington ARTCC (ZDC), Potomac TRACON (PCT), United Airlines, US Airways, Northwest Airlines, MITRE CAASD, ALPA, and AMTI supporting the RNAV-RNP Program Office

History

The initial version of the ELDEE arrival was found to have some segments that were too steep for the prevailing westerly winds resulting in challenging vertical profiles without aggressive use of speedbrakes. In response to a previous meeting regarding difficulty with the arrival, it was redesigned with the many NOTAMs that were issued last fall. The new profile was validated in various air carrier simulators and found to be operationally improved. The vertical profile was more easily managed under tailwind conditions. Yet, despite these changes, the rate of deviations on the arrival continued to rise during 2008.

Issues

ATC is well aware that the arrival has had a higher than normal rate of altitude deviations. They have collected data on where deviations have occurred. Most deviations have been encountered between DRUZZ and REVUE, with a deviation rate of over 3% of all flights along this segment, as presented by data analysis from MITRE. While all aircraft types had some rate of deviation, the Airbus (all airlines included) was by far the leading offender by at least one third of all aircraft types. UAL and NWA reported numerous deviations. US Airways ASAP data produced one report, but were similar in nature to the other events. American Airlines has also encountered altitude busts, but representatives were not present to discuss details.

This is an actual breakdown of filed pilot deviations in 2008. Total 16. The ASAP reports might provide more data but this is all that our facility filed.

Descending to early after DRUZZ

- (1) MEP B712
- (1) UAL A319
- (2) AWI CRJ2
- (3) NWA A319

Descending too early after DOCCS

- (1) COA 458
- (1) JIA CRJ2
- (3) EGF E135

Incorrect Altitude at ELDEE waypoint

- (1) military
- (1) UAL B733
- (1) CHQ E145

Wrong turn for runway transition

- (1) NWA 319

Specific Problems

The airlines offered several common causes or contributors to the pilot error. These included:

- Confusion over ATC clearances. Specifically similar sounding clearances like "cleared via the ELDEE 4 arrival" and "cleared to descend via the ELDEE 4 arrival". (Note: This issue was addressed in CQ training on the CIVET arrival at NWA in 2007 and re-visited in the "descend via" bulletin issued in 2008).
- The examples for a "lateral only" clearance presented in 5-4-1 of the AIM are:

Briefing for ELDEE meeting participants

Deb's comments are in blue.

EXAMPLE-

1. Lateral/routing clearance only.

"Cleared Hadly One arrival "

2. Routing with assigned altitude.

"Cleared Hadly One arrival, descend and maintain Flight Level two four zero "

"Cleared Hadly One arrival, descend at pilot's discretion, maintain Flight Level two four zero "

A consensus was not reached regarding the interpretation of "via" in the 7110.65 and further research will be required. There may be a disconnect between the AIM and the Controllers' Handbook.

- Confusion caused by ATC vectors off the arrival without a new clearance altitude. (i.e. ATC clears a flight to "descend via" the arrival, but later vectors the flight off the arrival for spacing. In such a case, ATC is required to re-state an altitude to maintain which assures obstacle clearance. Crews have reported that this is not always done; leading to ambiguity about what altitude the flight is cleared to. All agreed that controllers should receive emphasized training on this issue and operators should also educate pilots to question such a clearance and request an altitude to maintain if vectored off a lateral route when cleared to descend via.
- Deleted constraints. As highlighted in NWA's NASAP research, the leading problem is the crew deleting the 15,000 ft database constraint after inserting the prior 15,000 ft "expect" constraint.

Just a side bar question. How does this happen with non-VNAV aircraft?

- Re-cruising the FMS to allow modifying the descent speed. The other Airbus operators were not aware of "re-cruising" as a problem (with the aircraft deleting the constraint at the new cruise altitude). Some airlines had crews report constraints "disappearing" for unknown cause which may be caused by this or by the lack of an initial cruise altitude in the FMS.

Maybe we should enlist Flight Standards to help with the re-cruising issue.

- In general airspeed reductions, vectors off and then on the arrival and frequency congestion were mentioned as contributors to deviations along the arrival.
- Publishing speed restrictions were discussed but no action items were agreed to.
- PCT verified they are experiencing deviations on both published en route transitions nearly 50/50.

Proposed Solutions

Several proposed mitigations were discussed. These included:

- Restructuring the arrival so that Washington Center could issue the "descend via" clearance. This would not be a near term solution and is not currently supported by ZDC officials. This option will be explored further as a future enhancement, but is not considered an option at this time.
- Changing or deleting one of the 15,000 ft constraint altitudes. Due to traffic both above and below the 15,000 ft fixes, this was not viewed as a viable solution.
- Either deleting the "expect" fixes from the chart or incorporating them as database constraints. ATC felt that deleting these from the chart might be a positive benefit; however the airlines believe that this would be a negative, as they provide the crew with advance notice of the pending constraint and could lead to continued deletion of the published constraint when instructed to cross DRUZZ or DOCCS at 15,000. There was consensus among the group and the TRACON will work with ZDC and the RNAV Program Office to incorporate the 15,000 ft expect clearances into the chart (and database) as "hard" constraints. Note: Washington

Deb's comments are in blue.

Center had very strong feelings against making the FL270 and FL290 altitudes database constraints. The airlines conceded this point as few deviations have occurred at these fixes.

- An interim proposal to utilize clarifying phraseology was discussed. Example: "NWA XYZ, **maintain 15,000 until REVUE**, then descend via the ELDEE 4 Arrival". Potomac approach has agreed to adopt this.
- Jeppesen will be contacted to consider ways to depict emphasis on the subsequent 15,000 published restrictions in order to catch the eye's attention when viewing the chart. The possibility of an added chart note may be considered, however, this is a generally less desirable solution.
- Some operators do not utilize or are capable of Vertical Navigation (VNAV) operations. United does not select the lowest published (bottom) altitude in the FCU (Flight Control Unit) when given a "descend via" clearance. Instead, the crew selects the next constraint altitude in the FCU, then selects a managed descend (or other form of descent) to that altitude. UAL has been working on changing this procedure and believes that deviations will be reduced once they change. US Airways, along with NWA apply the VNAV function with "descend via" operations.

Summary

The long term fix for the arrival would include developing an optimized profile descent (OPD) from the en route portions of the arrival. This would provide added user, air traffic and environmental benefits; in addition to mitigating the confusion on the current procedure. This effort would require changes to Letters of Agreement (LOAs) and possibly restructuring boundaries between the ARTCC and TRACON. Such procedures have proven successful throughout many areas in the NAS.

In the short term, three items were agreed upon for further action. These are:

- Modifying Potomac clearance language to "NWA XYZ, **maintain 15,000 until REVUE**, then descend via the ELDEE 4 Arrival".
- Change the 15,000 ft "expect" constraints to "hard" database constraints. This would simplify the crews FMS programming tasks and would lesson the chance of their deleting the next 15,000 ft constraint.
- Modify the depiction of the arrival on the Jeppesen chart itself to highlight the level segment between the 15,000 ft constraints.

In addition, the airlines agreed to continue to emphasize the proper use and interpretation of "descend via" clearances.

Further exploration of how ZDC is issuing lateral clearances will be required.

Human factors and training will continue to play a role in our air traffic system. It's imperative the aviation community identify weak links in the system and jointly work to find effective and appropriate solutions to uphold safety and efficiency.

Punitive actions will not solve a systemic problem. Added layers of protection are the best defense and include national training standards for performance-based procedures as well as identifying and mitigating confusing charting, phraseology and operational procedures.

The efforts put forth by this group to openly discuss deficiencies and propose solutions are an exemplary example of the correct approach.

Note: ELDEE chart on next page.

Brendan return to Deb

draft

ELDEE FOUR ARRIVAL UPDATE

The ELDEE ARRIVAL was redesigned to ease the vertical profile for segments that were too steep for prevailing westerly wind and even though various air carriers successfully simulated the new design we continue to have pilot deviations. The following are explanations of pilot deviations provided from users who recently attended a PCT hosted meeting:

- The leading problem was found to be aircrew intentionally deleting waypoints from their database. The fact that we have "expect to cross 15,000" followed by "at 15,000" appears to be confusing some aircrews so when they adjust their descent rate for optimal fuel usage they are mistakenly deleting waypoints with crossing restrictions.
- Aircraft are vectored off the STAR without being issued an altitude to maintain. For instance, DOCCS transition comes to us at 15,000 we take the aircraft off the STAR and clear them to POOCH to resume the arrival. Although it is pilot error to begin the descent to cross POOCH at 11,000 without ATC authorization it is also controller responsibility to issue an altitude to maintain when taking the aircraft off the route (reference 7110.65, paragraph 5-6-2 c).
- Confusing phraseology - "CLEARED VIA ELDEE FOUR ARRIVAL", vs. "DESCEND VIA ELDEE FOUR ARRIVAL". This appears to be confusion with cleared to fly the procedure laterally vs. cleared to fly the procedure vertically.

The following are proposed solutions:

- To help aircrews avoid descending too early, use this phraseology.....
"Cross REVUE at 15,000 then descend via the ELDEE FOUR ARRIVAL", or
"Cross MORTY at 15,000 then descend via the ELDEE FOUR ARRIVAL".
- Incorporate DOCCS and DRUZZ in the database as coded, hard altitude restrictions in lieu of 'expect'.

Our facility will continue working with our users to identify any weak link in our procedure and finding effective solutions to avoid these deviations in the future.

Roderick Harrison
Acting District Manager, Potomac TRACON

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Public Availability to be determined under 5 USC 552

Controller Briefings

ELDEE FOUR ARRIVAL UPDATE

The ELDEE ARRIVAL was redesigned to ease the vertical profile for segments that were too steep for prevailing westerly wind and even though various air carriers successfully simulated the new design we continue to have pilot deviations. The following are explanations of pilot deviations provided from users who recently attended a PCT hosted meeting:

- The leading problem was found to be aircrew intentionally deleting waypoints from their database. The fact that we have "expect to cross 15,000" followed by "at 15,000" appears to be confusing some aircrews so when they adjust their descent rate for optimal fuel usage they are mistakenly deleting waypoints with crossing restrictions.
- Aircraft are vectored off the STAR without being issued an altitude to maintain. For instance, DOCCS transition comes to us at 15,000 we take the aircraft off the STAR and clear them to POOCH to resume the arrival. Although it is pilot error to begin the descent to cross POOCH at 11,000 without ATC authorization it is also controller responsibility to issue an altitude to maintain when taking the aircraft off the route (reference 7110.65, paragraph 5-6-2 c).
- Confusing phraseology - "CLEARED VIA ELDEE FOUR ARRIVAL", vs. "DESCEND VIA ELDEE FOUR ARRIVAL". This appears to be confusion with cleared to fly the procedure laterally vs. cleared to fly the procedure vertically.

The following are proposed solutions:

- To help aircrews avoid descending too early recommend controllers use this phraseology if issuing descend via clearance....
*"Cross REVUE at 15,000 then descend via the ELDEE FOUR ARRIVAL", or
"Cross MORTY at 15,000 then descend via the ELDEE FOUR ARRIVAL".*
- Incorporate DOCCS and DRUZZ in the database as coded, hard altitude restrictions in lieu of 'expect'.
- Not

Our facility will continue working with our users to identify any weak link in our procedure and finding effective solutions to avoid these deviations in the future.

Roderick Harrison

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May 25, 2009

From: Randall Buxton, Air Traffic Controller, Potomac TRACON

To: Kevin Cuthbertson, Operations Manager, Potomac TRACON

Re: ELDEE4 Arrival Procedure

At 6:40am today AWE49 violated the published altitude restrictions on the ELDEE4 Arrival Procedure. 12 minutes later AWI3946 did the same thing. These are two more in dozens of pilot deviations that occurred since the inception of this procedure.

The first incident was recorded by the Washington ARTCC Operational Error Detection Program (OEDP) when AWE49 descended in front of FRL245, which was level at 14,000 feet east of the LDN VOR. Separation between these two aircraft would have been lost had FRL245 been airborne 15 seconds earlier.

I write to express my concern that this matter affecting safety of flight has been allowed to persist. What is it going to take to realize that the ELDEE4 Arrival Procedure is an accident waiting to happen?

It is rumored that TRACON management will employ a change to air traffic control phraseology as a fix to this problem. After this morning's incident it was suggested by Front Line Manager Al Castillo that the "descend via" procedure on the ELDEE4 be stopped. This is an idea that is long overdue and would be an immediate solution to the serious problem of airplanes inexplicably descending from their assigned altitudes on the ELDEE4 Arrival Procedure.

It also has been suggested that aircraft be instructed to cross certain waypoints on the ELDEE4 Arrival Procedure at the altitudes already published on the chart. For example, "cross MORTY at 15000, descend via the ELDEE4 Arrival." In case you haven't recognized it already, this would be an incorrect application of FAA Order 7110.65 and would just be a band-aid fix that will do nothing to address the underlying cause of pilot deviations on the ELDEE4. Two wrongs won't make a right. Please refer to the following excerpt from FAAO 7110.65:

4-5-7. ALTITUDE INFORMATION

Issue altitude instructions as follows:

h. Instructions to vertically navigate on a STAR/RNAV STAR/FMSP with published restrictions.

1. Assign an altitude to cross the waypoint/fix, if no altitude is depicted at the waypoint/fix, for aircraft on a direct routing to a STAR/RNAV STAR/FMSP.

3. If it is necessary to assign a crossing altitude which differs from the STAR/RNAV STAR/FMSP altitude, emphasize the change to the pilot.

Besides being contrary to FAA Order 7110.65, it is illogical to issue a crossing restriction that is already published on an RNAV procedure. But the ELDEE4 is unlike any other RNAV procedure—it is at the root of airplanes descending out of the sky without warning. There should be no argument that something must be done. FAAO 7110.65, paragraph 1-1-10, has guidance for this situation:

1-1-10. CONSTRAINTS GOVERNING SUPPLEMENTS AND PROCEDURAL DEVIATIONS

a. Exceptional or unusual requirements may dictate procedural deviations or supplementary procedures to this order. Prior to implementing supplemental or any procedural deviation that alters the level, quality, or degree of service, obtain prior approval from the Vice President, System Operations Services.

Sincerely,

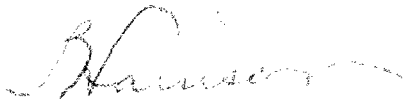
/ORIGINAL SIGNED BY/

Randall Buxton
Air Traffic Controller
Potomac TRACON

Cc: Brendan Connolly, President, NATCA Potomac TRACON Local;
Bennie Hutto, Area Representative, NATCA Potomac TRACON Local;
Edward Flood, Attorney, Office of Special Counsel, Disclosure Unit

ELDEE FOUR ARRIVAL

In order to help aircrews avoid an early descent on the ELDEE FOUR ARRIVAL, our facility is implementing phraseology to be used when issuing 'descend via' clearances on this procedure. See attached Notice, effective date August 27, 2009.



Roderick Harrison
Acting District Manager, Potomac TRACON

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Public Availability to be determined under 5 USC 552

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
POTOMAC TRACON

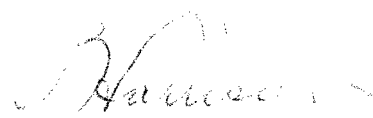
PCT N 7110.119

08/27/09

Cancellation
Date: 08/26/10

SUBJ: ELDEE FOUR Arrival

- 1. Purpose of This Notice.** This Notice establishes a new procedure that will help prevent aircrews from premature descent on the ELDEE FOUR Arrival when issuing a 'descend via' clearance.
- 2. Audience.** Potomac TRACON (PCT) Personnel.
- 3. Effective Date.** August 27, 2009.
- 4. Where Can I Find This Notice.** You can find this notice on the ACE-IDS Notice page and in the facility library Notice book.
- 5. Procedures.** Controllers shall ensure aircraft on the ELDEE FOUR Arrival are not issued a 'descend via' clearance which commences prior to MORTY or REVUE. Use one of the following when issuing a descend via clearance on the ELDEE FOUR Arrival:
 - a.** Issue a crossing restriction combined with descend via...
*Cross MORTY at one five thousand, then descend via the ELDEE FOUR Arrival or,
Cross REVUE at one five thousand, then descend via the ELDEE FOUR Arrival.*
 - b.** Issue clearance to descend via after passing MORTY or REVUE...
*After passing MORTY descend via the ELDEE FOUR Arrival or,
After passing REVUE descend via the ELDEE FOUR Arrival.*
 - c.** Withhold 'descend via' clearance until the aircraft is at MORTY or REVUE.


Roderick Harrison
Acting District Manager
Potomac TRACON

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August 24, 2009

Reference: Change to ELDEE4 Procedure

Roderick Harrison
Air Traffic Manager
Potomac TRACON

Mr. Harrison,

During the week of August 10, 2009, your staff began briefing air traffic controllers in the Mount Vernon Area to a change in procedures when clearing aircraft to navigate vertically on the ELDEE4 Standard Terminal Arrival procedure. The directive is effective August 27, 2009.

As you know, my recent disclosure of information to the Office of Special Counsel concerning the numerous pilot deviations of the ELDEE4 procedure was referred to the Department of Transportation Inspector General. I have more than a passing interest in seeing this matter brought to a safe resolution and had hoped to allow the process of investigating my disclosure to run its course with an expectation that the flawed procedure known as the ELDEE4 would be repaired. Instead, your attempt to fix it by merely changing phraseology will create an additional safety hazard.

Your directive will cause air carrier pilots to descend at their discretion disregarding altitude restrictions issued by air traffic controllers at Washington Center, contrary to FAA Order 7110.65, Air Traffic Control. Your directive will cause an array of potential conflicts between aircraft that did not previously exist. Union representatives at the TRACON and Washington Center, along with your own Front Line Managers at the TRACON share this opinion. Your staff, however, does not share the same opinion as those actually working the airplanes.

If it is your belief that your staff is correct, and I am wrong, please provide the specific citation from FAA Order 7110.65 and an explanation supporting the position of your staff in a briefing item to air traffic controllers. Your staff is aware of this critical difference of opinion and has done nothing to settle it.

Also, your staff has refused to provide a copy of your written directive to air traffic controllers who have requested it. This is nothing short of showing utter disrespect for the professionals tasked with complying with your directives- whether we agree with them or not. Please make copies of your directive available upon request to air traffic controllers.

Sincerely,



Randall Buxton
Air Traffic Controller
Potomac TRACON

cc: Edward Flood, Attorney, Office of Special Counsel

August 26, 2009

Subject: Comments by Operations Manager Kevin Cuthbertson

From: Randall Buxton

On August 25, 2009, I began my shift at 10pm in the Mount Vernon Area of the Potomac TRACON. My co-worker for the shift was Bennie Hutto. Mr. Hutto is the NATCA Area Representative.

At or about 10:30pm Operations Manager Kevin Cuthbertson sat down next to Mr. Hutto while he was working the OJAAY position. They talked, among other things, about the ELDEE Phraseology Change Notice (which became effective on August 27, 2009.) Mr. Cuthbertson told Mr. Hutto "we believe that certain controllers deliberately issued the 'descend via' clearance and placed aircraft in harms way. That's why I had to write the Notice."

Mr. Cuthbertson's statement that controllers are placing aircraft in harms way--by using the prescribed phraseology and procedure contained in Air Traffic Control handbook for vertical navigation descent clearances--is reprehensible, irresponsible, and without foundation.

Rather than correct a flawed procedure that has been allowed to persist for more than two years Mr. Cuthbertson resorts to baseless charges that air traffic controllers are doing their job with malice. Mr. Cuthbertson's words do not correlate with those of FAA Administrator Babbitt in his recent announcement that the agency will overhaul the way it processes whistle-blower reports.

"One of the lessons we clearly learned is that we need to make sure we give people the latitude to speak up, and they should be able to do so with immunity."
--- *FAA Administrator Babbitt, Washington Post, September 17, 2009.*

Mr. Cuthbertson's statement should not be dismissed out of hand. If he believes it to be true then investigate. If not, then an apology is in order.

FAA Values

Safety is our

Passion

Quality

is our

Trademark

Integrity

is our

Character

People are our

Strength

“Our first commitment is to
safety.”

FAA Flight Plan 2009–2013



Federal Aviation
Administration

Air Traffic Organization
Office of Safety Culture

ATTACHMENT 3

1/22 1531 MBS 3/04

fled I30 Tracy.. SEA
not given the wizard not
that the wizard would fix
any thing

[Signature]

1/26 1540z DA

2 aircraft missed
crossing restrictions by
1000'. As I was

writing the info on the
strip for the first deviation.
I took a glance at the
scope and noticed the
2nd aircraft deviation &
used corrective action to
avoid a separation event.

ATTACHMENT 4

1/9/08

Why aren't we violating EVERY of
those limits, alt/turns early/etc - Supps
are notified -- but no paperwork. Lets
violate them ALL.

AA

I agree
entirely (DA)

1/9

1810Z

AAC 2328 unable to fly ELO2
because of winds. 260 @ 40.
Wants to eliminate the around
or change X restriction.

AA

1/12 1845Z

CHQ 3086 Tracked 1 to 1/2 mile south
of arrival from DRUZZ. Said different
aircraft did same thing last week

AA

ATTACHMENT 5

FOR YOUR INFORMATION

2009-136/8-13
836467, 832892

To: FAA (ATM PCT TRACON)

Info: FAA (ATM ZDC ARTCC, DIRECTOR OF EASTERN TERMINAL OPERATIONS,
DIRECTOR OF EASTERN ENROUTE OPERATIONS, AFS-230, AFS-200, ASA-100),
AASC, ALPA, IFALPA, AOPA, APA, ASAP, ATA, IATA, CAPA, IPA, NATCA, NBAA, RAA,
USAPA

From: Linda J. Connell, Director
NASA Aviation Safety Reporting System

Re: ELDEE 4 STAR PROCEDURE DEVIATIONS

We recently received an ASRS report describing a safety concern which may involve your area of operational responsibility. We do not have sufficient details to assess either the factual accuracy or possible gravity of the report. It is our policy to relay the reported information to the appropriate authority for evaluation and any necessary follow-up. We feel you should be aware of the enclosed deidentified report.

To properly assess the usefulness of our alert message service, we would appreciate it if you would take the time to give us your feedback on the value of the information that we have provided. Please contact Gary Brauch at (408) 541-2800 or email at gary.j.brauch@nasa.gov.



Aviation Safety Reporting System
385 Moffet Park Dr · Suite 200 · Sunnyvale · CA · 94089



ACN: 836467

Time

Date: 200905
Local Time Of Day: 0601-1200

Place

Locale Reference.Airport: DCA.Airport
State Reference: DC
Altitude.MSL.Single Value: 15000

Environment

Flight Conditions: VMC

Aircraft 1

ATC / Advisory.TRACON: PCT
Make Model Code: Commercial Fixed Wing

Aircraft 2

ATC / Advisory.TRACON: PCT
Make Model Code: Commercial Fixed Wing

Person 1

Function.Air Traffic Control: Approach
ASRS Report Number: 836467

Events

Anomaly.Conflict: Airborne Conflict
Anomaly.Deviation - Altitude: Crossing Restriction Not Met
Anomaly.Deviation - Procedural: Published Material / Policy
Detector.Person: Air Traffic Control
Result.General: None Reported / Taken

Narrative 1

I was working the LURAY Sector at the Potomac TRACON. I had just relieved another controller at the sector. Aircraft X was passing DOCCS waypoint level at 15000 feet on the ELDEE4 STAR and Aircraft Y was westbound at 14000 feet approaching LDN VOR. The paths of the two aircraft were going to cross near the LDN VOR. When Aircraft X was at LDN VOR I cleared it to "descend via the ELDEE4 Arrival." At this point, aircraft 1 had passed the path of Aircraft Y. Aircraft X began descending at LDN even though it should have crossed LDN and MORTY waypoint at 15000 feet. This is one in way too many occurrences where air carriers have violated the altitude crossing restrictions on the ELDEE4 STAR. Had Aircraft Y been airborne just 15 seconds earlier this incident would have resulted in--at a minimum--a loss of standard separation between two aircraft. The ELDEE4 STAR is flawed. There have been at least 40 pilot deviations, just like this one, over the past 18 months. About an hour after the incident my supervisor told me that the ARTCC Operations Error Detection Program (OEDP) alerted to the close proximity of the two aircraft. The supervisor also suggested to the TRACON operations manager that we suspend the "descend via" procedure on the ELDEE4 STAR because, in his words, it's obviously broken. I agree. The next airplane that entered the LURAY sector on the ELDEE STAR also violated the 15000 foot altitude restriction.

Synopsis

PCT Controller voiced concern regarding the multiple flight crew violations regarding the crossing restrictions on the ELDEE4 STAR, suggesting suspension of the procedure until some type of resolution is agreed upon between ATC and the user.

ACN: 832892

Time

Date : 200904

Local Time Of Day : 1801 To 2400

Place

Locale Reference.Airport : DCA.Airport

State Reference : VA

Altitude.MSL.Single Value : 15000

Environment

Flight Conditions : VMC

Aircraft / 1

Controlling Facilities.TRACON : PCT.TRACON

Make Model : Regional Jet 700 ER&LR

Person / 1

Function.Oversight : PIC

Function.Flight Crew : Captain

ASRS Report : 832892

Person / 2

Function.Flight Crew : First Officer

ASRS Report : 833380

Person / 3

Function.Controller : Approach

Events

Anomaly.Aircraft Equipment Problem : Less Severe

Anomaly.Altitude Deviation : Crossing Restriction Not Met

Anomaly.Non Adherence : Clearance

Anomaly.Non Adherence : Published Procedure

Independent Detector.Other.ControllerA : 3

Resolatory Action.Controller : Issued New Clearance

Consequence.FAA : Reviewed Incident With Flight Crew

Narrative

During descent into DCA flight was cleared by Washington Center to descend via ELDEE 4 ARRIVAL (ref DCA ELDEE 4 Arrival chart). During descent new ATIS indicated a runway change from landing Runway 1 to Runway 19 at DCA. Change was made to FMS by non-flying pilot and changes confirmed by flying pilot/Captain. After handoff to Potomac Approach we were queried as to whether we had been cleared to descend via the ELDEE 4 Arrival. When we replied that we had, ATC advised us that we had begun the descent below 15000 FT before reaching REVUE intersection. We had crossed DRUZZ intersection at 15000 FT when the runway change was entered into the FMS, but the REVUE intersection and it's 15000 FT crossing restriction dropped out of the flight plan. After discussing the problem, ATC told us that there was no problem this time, but that they at Potomac Approach had heard of other flight crews having the same problem on this specific arrival. Flight continued on to DCA without further incident. Suspect FMS software issue that deletes waypoints from route when arrival runway is changed combined with high workload and closely spaced waypoints contributing to flight crew not noticing missing waypoint and crossing restriction.

Synopsis

CRJ-700 flight crew on EDLEE 4 STAR into DCA, received runway change. After making appropriate FMS changes, REVUE intersection dropped out and associated crossing restriction was not made.

ATTACHMENT 6

DAILY RECORD OF FACILITY OPERATION

Location: Potomac Consolidated TRACON
Position: ALL
Area: PCT

Manager: Barbara Corjovaitis
Date: 2/3-2009
Checked By: *[Signature]*

Ini	Area	Type	Time	Remarks
MO	OM		05:00	M. CARIOSCIA (MO) ON DUTY CFPL SUA INFO P40 NORMAL GUARD DOG INACTIVE R6601 INACTIVE R6602A INACTIVE R6602B INACTIVE R6602C INACTIVE R6608A B/C ACTIVE SFC TO 2,000 DEMO1/2/3 INACTIVE R6611/12/13 INACTIVE R4001A INACTIVE 3000 AND ABOVE R4001B INACTIVE R4006 INACTIVE APH MOA INACTIVE FVX MOA INACTIVE PICKETT MOA INACTIVE MTV: DCA RWY 1 ILS LOC/DME UNUSBL BYD 14:00 BLW 1600; ADW NDB RWY 10R APCH N/A; GGS ABN OTS; DAA RWY 32 MALSF OTS; W32 VOR/DME RWY 5 APCH N/A; W32 RWY 23 VASI AVBL DAY; IGH-1 ONLY; OTT VOR UNUSABLE 072-138 BELOW 0-0 130-234 BELOW 100 321-449 AND 460-71; OTT TACAN OTS CHP: BWI RWY 4/22 CLSD; BWI RWY 15L/33R CLSD; MTN RWY 33 GS OTS; MTN RWY 15 REIL OTS; APG RWY 4/22 CLSD TO JET ARVLS; APG ABN OTS; PPM DME OTS; DMW RWY 19/34 PAPI OTS; ESN RWY 22 PAPI OTS; ESN AWOS OTS; ESN RWY 4 ILS DME OTS; ESN RWY TORA 5175'; EME NDB OTS; DAL NDB UNMNT; W29 VOR/DME RWY 29 N/A; 0W3 VOR/DME A APCH N/A; 2W2 RNAV RWY 14 LNAV; MOA N/A; 3W3 CLSD; TSNT; 6W6 AD CLSD; TSNT; RJD AWOS RWY 30 REILS OTS. SHD: JYO AWOS WIND UNREL; JYO ALSTG N/A; MRB RWY 26 ILS OTS; MRB RWY 28 ALS OTS; NYD REILS OTS; RMN AWOS WIND UNREL; RMN AD ABN OTS; RMN RWY 33 GS OTS; CJR M50 NDB UNUSABLE 207-355 BYND 15 NM; CJR AWOS 119.325 VICE 123.875; CJR RWY 27 REIL OTS; E-ZF RWY 6 PLAS1 OTS; E-ZF AD CLSD NGT EXC HEL; E-ZF RWY 24 NDB/GPS N/A; AML TACAN AZM OTS; AML UNSUBL 355-050 BYD 15; AML 210R-250R UNUSBL; AML VOR 130 UNUSBL; BYD 20 BLW 2550; CSN 310R-350R UNUSBL; BEYOND 10 NM BLW 110. JRV: CHG RWY 3/21 FCL OTS; CHG ASOS WIND UNREL; FCI AWOS OTS; FYJ RWY 10/26 PAPI; NUSSE LKU IOK NDB DMSND; LKU RWY 27 REIL OTS; OF P ASHEY NDB UNMNT; OMH CIRCLING APCH TO RWY 26 N/A AT NIGHT; PTB CIRCLING APCH TO RWY 32 N/A AT NIGHT; XSA RWY 10/28 PAPI OTS; W96 GCO 135 075 OTS; 7W4 RWY 8/26 ILS OTS; 7W4 RWY 8/26 VFR DAY USE ONLY; FAK VOR OTS; FAK TACAN 339R UNUSABLE; FAK VOR 067-230 UNUSBL; GVE TACAN/AZ OTS JRV, CHP AND SHD ON LRR FDC NOTAM VERIFICATION COMPLETE MO OM 05:30 ART CHECK COMPLETE MO OM 05:37 R4001A RLSD TO PCT (30) AND ABOVE FLM ADZD

MO	OM		06:00	COLD START COMPLETE. BASE RESTORED.
MO	OM		07:30	ART CHECK COMPLETE.
MO	OM		08:23	OPERATIONAL WALK THROUGH COMPLETE.
MO	OM		09:30	ART CHECK COMPLETE.
MO	OM		10:45	SHD, CHP & JRV ON SRR.
AS	OM		11:18	A. SNEDAKER (AS) ON DUTY. MO OFF DUTY.
KV	OM		11:27	K. CUTHBERTSON (KV) ON DUTY.
KV	CHP		11:30	BWI RWY33R/15L OPEN. FLM ADZD.
KV	OM		11:48	OMIC WCLC WX MVFR. -SN. IAD ILS RWY10/L. 30. BWI ILS WEST. RIC ILS RWY2.24. MTV NORTH ILS ADW NORTH ILS.
KV	CHP		12:00	R4001A ACTIVE. ALL ALTITUDES. R4001B ACTIVE SFC-900'. FLM ADZD.
KV	JRV		12:00	R6601 ACTIVE. FLM ADZD.
KV	OM		12:11	DATA RCVD. DVRS TAPES CHANGED AND CHECKED.
KV	SHD	E	12:30	IAD RWY1R ALS OFM UNTIL 1430Z. ACN.
KV	OM		12:51	OMIC STAND-UP BRIEFING COMPLETE. STAFFING ADEQUATE. NO VIP'S OR SPECIAL OPS.
KV	OM		13:00	NYG TWR AND APP OPEN. AIRSPACE RE-SD BY PCT AFTER COORDINATION WITH SHD/MTV/JRV. FLM, ACN.
KV	MTV		13:00	R6611-R6613 ACTIVE SFC TO 100'. R6612 ACTIVE SFC TO 70'. FLM ADZD.
KV	OM		13:27	TWO ELT REPORTS OVR DRUZZ AT 150. ZDC ADZD.
KV	MTV		14:00	FLM ADZD COM347 MAY HAVE VIOLATED ALT ASSIGNMENT AT MORTY ON ELDEF FOUR ARRIVAL. REVIEWED RADAR REPLAY AND VOICE TAPES. PILOT APPEARED TO START DESCENT JUST PRIOR TO MORTY, HOWEVER NO IMPACT TO OTHER AIRSPACE OR TRAFFIC. DISCUSSED EVENT WITH PILOT. NO FURTHER ACTION REQUIRED.
KV	MTV	F	14:03	OTT TACAN OFM 15-1615Z. ACN.
KV	CHP		14:52	GAI RY14/32 PITCHY THN SN.
KV	MTV	E	15:40	DCA ASR BOTH CHNLS DTS. ACN.
JA	CHP	E	16:12	OTT TACAN RTS. ACN.
JA	OM		16:17	J.WHITAKER (JA) ON DUTY. KV/AS OFF DUTY.
JA	MTV	E	16:19	DCA ASR RTS (BOTH CHNLS) AREA ADZD.
JA	SHD	F	16:28	IAD RWY 1R RTS IN SSAI R MODE. AREA ADZD.
JA	OM		16:33	OPERATIONAL WALK THROUGH COMPLETE.
JA	SHD	E	16:35	AML VORTAC RTM FROM 1800Z THRU 2259Z. FLM ADZD.
KV	OM		17:00	ESN AWOS RTS.
KV	MTV	E	17:05	DCA DME OFM UNTIL 1730Z.
VZ	OM		17:48	B. VEAZEY (VZ) ONW.
VZ	JRV		19:57	GVE AIRPORT ALL LIGHTS OTS UNTIL 082359Z (DCA FSS).
VZ	OM	E	20:08	ADW MODE S OFFLINE CHANNEL OFM (SOC/MSB).
VZ	OM		20:10	ELT REPORTED SE-AD BY SEVERAL AIRCRAFT. ZDC ADVISED.
VZ	OM	F	20:16	GVE TACAN RTS (SOC/MSB).
CA	OM		20:22	W. CARVER (CA) ON DUTY. VZ OFF DUTY.
CA	OM	E	21:13	ADW ASR IN IB: MODE. ACN.
CA	OM		21:30	STAND-UP BRIEFING CONDUCTED. WX VFR - WIND NW 10 KTS. STAFFING ADEQUATE. WCLC.
JA	OM		22:25	J.WHITAKER (JA) ON DUTY. CA OFF DUTY.
CA	OM		22:26	R4001A INACTIVE 3,000' AND ABV UNTIL 2/4/2002. ACN.
CA	OM		22:35	R4001A INACTIVE 6,000' AND ABV. R4001B INACTIVE.
CA	OM		22:40	R6611, R6612 AND R6613 INACTIVE. ACN.
JA	SHD	E	23:35	AML VORTAC RTS. AREA ADZD.
JA	OM		00:01	USCG SCRAMBLE LINE CHECK COMPLETE.
JA	OM		00:01	ADW SCRAMBLE LINE CHECK COMPLETE.
JA	OM	E	01:45	GVE UNMONITORED. ACN.

JA OM 01:46 2 ELT REPORTS NORTH OF IAD AT 3200' AND 8 SOUTH OF AML AT 6000'. ZDC ADZD
 JA OM 01:47 2 ELT REPORTS VICINITY OF MRB AT 12 000'. ZDC ADZD
 TS OM 01:57 T STOCKHAM (TS) ON DUTY
 TS OM 01:57 ELT REPORTED MRB BY TWO AIRCRAFT APROX ALT 120
 TS MTV E 02:00 ADV ASRS MODE S RTS
 TS SHD 02:03 NYG TWR AND APP CLSD. AIRSPACE RETURNED TO PCT ACN
 MO OM 03:10 M CARIOSCA (MO) ON DUTY, T STOCKHAM (TS) OFF
 MO OM 04:00 R6601 INACTIVE. FLW ADZD.
 MO JRV 04:20 ON LRR
 MO SHD 04:25 ON LRR
 MO CHP 04:45 ON LRR
 MO OM 04:50 COB

I certify that entries above are correct, that all scheduled operations have been accomplished except as noted and that all abnormal occurrences and conditions have been recorded.



Signature(s) of watch supervisor(s):



ATTACHMENT 7

DAILY RECORD OF FACILITY OPERATION

Location: Potomac Consolidated TRACON
 Position: ALL
 Area: PCT

Manager: Barbara Cogliandro 
 Date: 2/25/2009
 Checked By: 

Ini	Area	Type	Time	Remarks
DJ	OM		05:00	D REDDING (DJ) ON DUTY
DJ	OM		05:01	CFPL

SUA INFO:

P40 NORMAL
 GUARD DOG INACTIVE
 R6601 COLD
 R6602A COLD
 R6602B COLD
 R6602C COLD
 R6608A/B/C ACTIVE 5FC TO 2,999
 DEMO1/2/3 INACTIVE
 R6611/12/13 INACTIVE
 R4001A INACTIVE 3000 AND ABOVE
 R4001B INACTIVE
 R4006 INACTIVE
 APH MOA COLD
 FVX MOA INACTIVE
 PICKETT MOA INACTIVE

MTV: DCA RWY 1 ILS LOC/DME UNUSBL BYD 14'BLW 1600. ADW NAV RWY 01L CAT II AVAILABLE
 ADW NDB RWY 10R APCH N/A. CGS ABN OTS. DAA RWY 32 MALSF OTS. W32 VOR/DME RWY 5 APCH
 N/A. W32 RWY 23 VASI AVBL DAYLIGHT ONLY. OTT VOR UNUSABLE 072-138 BELOW 600, 139-234
 BELOW 100, 391-349 AND 350-671. OTT UNMONITORED. ADW VOR UNMONITORED. RWY 4/22 CLSD.

CHP: BWI RWY 4/22 CLSD EXC TAXI. MTN RWY 15 PVASI OTS. MTN RWY 33 GS OTS. MTN RWY 15
 REIL OTS. ANP RWY 12 VASI OTS. APG RWY 4/22 CLSD TO JET ARVLS. APG ABN OTS. PPM DME
 OTS. DMW RWY 16 PAPI UNUSBL BYD 5 DGR RGT OF CNTRLN. ESN RWY 4 ILS OTS. ESN RY TORA
 5175'. FME NDB OTS. GAI NDB UNMNT. W29 VOR/DME RWY 29 N/A. 0W3 VOR/DME A APCH N/A. 2W2
 RNAV RWY 14 LNAV MDA NA. 3W3 RWY 10/28 CLSD TSNT. 0W6 AD CLSD TSNT. RJD AWOS OTS. RJD
 RWY 30 REILS OTS. W48 AD NO HELO OPS. DOO NAV VOR 358 UNUSBL. PLUS SEE AFD.

SHD: IAD RWY 1L LOC OTS. IAD RWY 1R ALS OTS EXC SSALR. HEF AWOS CIG/VIS UNREL. JYO
 AWOS WIND UNREL. JYO AWOS ALSTG NA. JYO RWY 17 LOC UNMONITORED. MRB ILS RWY 26 GS
 OTS. MRB RWY 26 ALS OTS. NYG REILS OTS. RMN RWY 33 GP OTS. CJR MSQ NDB UNUSABLE 260
 355 BYND 15 NM. CJR AWOS 119.325 VICE 123.875. CJR RWY 22 REIL OTS. EZF RWY 6 PLSI OTS.
 EZF AD CLSD NOT EXC HEL. EZF RWY 24 NDB/GPS N/A. AML TACAN AZM OTS. AML UNSUBL 355-050
 BYD 15. AML 210R-250R UNUSBL. AML VOR 130 UNUSBL BYD 20 BLW 2500. OSN 310R-350R UNUSBL
 BEYOND 10 NM BLW 110. MRB SHOUT LINE OTS.

JRV: CHO RWY 3/21 AND ALL. FXV PCL OTS. CHO ASOS WIND UNREL. CHO RWY 3 A7ALEA NDB/ILS
 LO OTS. FYJ RWY 28 PAPI UNUSBL. LKU IQK NDB DCOMSND. LKU RWY 27 REIL OTS. OFF ASHEY NDB
 UNMNT. OMH ABN OTS. OMH CIRCLING APCH TO RWY 26 N/A AT NIGHT. PTB CIRCLING APCH TO
 RWY 32 N/A AT NIGHT. XSA RWY 10/28 PAPI OTS. W06 GCO 135 075 OTS. FAK VOR OTS. FAK TACAN
 328R UNUSABLE. FAK VOR 067-230 UNUSBL. GVE VOR HIWAS OTS. GVE VOR VOICE COM OTS.

JRV: CHP AND SHD ON LRR.


FDC NOTAM VERIFICATION COMPLETE

DJ	OM		06:45	ART CHECK COMPLETE
DJ	OM		06:00	COLD START COMPLETE. BASE RESTORED.
DJ	OM		08:30	OPERATIONAL WALK THROUGH COMPLETE
DJ	OM		09:10	ART CHECK COMPLETE
KV	OM		11:20	K. CUTHBERTSON (KV) ON DUTY. DJ OFF DUTY

KV OM 11:38 NYG TWR AND APP OPEN. AIRSPACE RLSD BY PCT AFTER COORDINATION WITH SHD/MTV-JRV FLMS, ACN
 KV OM 11:48 OMIC WCLC, WX VFR, ILS/VAP IN USE, IAD SOUTH ARRIVAL AT DCA/MTV VA RWY 1, BWI VA WEST, RIC RWY 15/20/25.
 KV CHP 12:00 R4001A ACTIVE ALL ALTITUDES, R4001B ACTIVE SFC-900', FLM ADZD
 KV JRV 12:00 R6601 ACTIVE, FLM ADZD.
 KV JRV 12:04 APH MOA ACTIVE, ACN.
 KV OM 12:12 DAT RCVD, DVRS TAPES CHANGED AND CHECKED.
 KV OM 12:43 OMIC STAND-UP BRIEFING COMPLETE, STAFFING ADAQUATE, NO VIPS, ARLINGTON FLYOVER AT 1300L.
 KV JRV 13:00 R6602A ACTIVE 251300Z FEB UNTIL 011700Z MAR, ACN
 KV MTV 13:00 SPECIAL INTEREST FLIGHT, JENNA096 DCA280000 AT 5500' APVD P56A & B, ACN
 KV MTV 13:00 R6611/R6613 ACTIVE SFC TO FL200, R6612 ACTIVE SFC TO 70' FLM ADZD
 JA OM 13:25 J.WHITAKER (JA) ON DUTY, KV OFF DUTY.
 JA OM 13:45 DCA TOWER OTS FROM 1500Z THRU 2000Z, FLM ADZD AND CONCURRED
 KV OM 15:20 K. CUTHBERTSON (KV) ON DUTY, JA OFF DUTY
 KV OM E 15:30 GVE TACAN OFM 1530-1830Z, ACN.
 KV MTV E 15:30 DCA MODES IN IBI, ACN
 KV MTV E 15:54 DCA MODES RTS, ACN
 MO MTV O 15:54 DAL1956 @ 6,000 A DCA ARRIVAL RESPONDED TO AN RA WITH JENNA096 VFR @ 5,500' TRAFFIC WAS ISSUED A/C NEVER LOSS VFR SEPARATION, QAR CLSD
 KV JRV E 16:03 CHOWE FREQ 132.85 MN TX AND RX OTS, ACN
 KV MTV O 16:11 VV300 A G4 DEPT ADW LEVEL AT 040 RECEIVED TCAS RA WITH N65214 ASSIGNED 035' TRAFFIC WAS EXCHANGED AND VV300 CLIMBED TO 041 THEN RETURNED TO ASSIGNED ALTITUDE, NO LOSS OF SEPARATION OR IMPACT TO OTHER ACFT, QAR CLSD
 AN SHD O 16:25 TCF7667 RESPONDED TO AN RA AND CLIMBED 500' FROM 5,000' OUTSIDE CLASS B AIRSPACE APPROXIMATELY 25 WEST OF IAD. THE VFR TRAFFIC WAS AT 4,500'. TRAFFIC WAS NOT EXCHANGED BECAUSE AT FREQUENCY CHECKIN TCF7667 REPORTED THE RA, QAR CLSD KV
 KV JRV E 16:29 GVE TACAN RTS, ACN
 KV OM 16:30 AMALGAM MUTE 09-09 EXERCISE IN PROGRESS 1630-1730Z.
 KV OM 16:44 EXERCISE SCRAMBLE, BLCKJCK01 FOR AMALGAM MUTE 09-09, ACN.
 KV OM 17:01 AMALGAM MUTE 09-09 COMPLETE.
 JA OM 17:03 J.WHITAKER (JA) ON DUTY, KV OFF DUTY.
 JA OM 17:30 LAKE ANNA - RWY 8/26 HAS PEOPLE AND EQUIPMENT ON THE RWYS FROM 3/2 THRU 3/6 FROM 1300Z THRU 2200Z, RW4 RWY 8/26 CLSD ON 3/6 FROM 1300Z THRU 0001Z
 GT DEN 18:35 DCA01 1200 CODE IN THE SFRA 5 SE OF ANP.
 GT DEN 18:40 DCA01 IDENTIFIED AS N1522L.
 JA OM 18:57 PCT HAS TAKEN A POWER BUMP, OPERATING ONE COMMERCIAL FEED, (SOC JA)
 BN OM 19:08 B. HAYES (BN) ON DUTY, JA OFF DUTY
 BN OM 19:15 RWY CONFIGURATION: ADW ILSVA RWY 19L/R, BWI ILSVA RWY 10/16L, IAD ILSVA RWY 11C/L R, DCA RIV VIS RWY 19, RIC ILSVA RWY 15/20/25.
 GT DEN 19:29 FD FILED ON DCA01, N1522L, PEA-R-PCT00-018, FAXED TO NCRCC AND ROC
 CA OM 19:40 RECEIVED CALL FROM DAVE BURK FLM RIC FSDO REFERENCE A NOISE COMPLAINT FROM CITIZEN APPROX. 5 NM NW RIC AIRPORT ON LOW FLYING HELO TRAFFIC. REVIEWED COR DATA TWO MILITARY HELICOPTERS TRANSITTED AREA NORTH TO SOUTH AT 900'. MR. BURK ADVISED OF FINDINGS, DAVE BURK 804-222-7494, EXT. 202
 BN SHD E 19:49 IAD RWY 01R/19L CAT IIII AUTHORIZED, PAPI'S RTS.
 CA SHD O 19:56 UAL919, H/B777, IAD ARRIVAL TO RWY 19L DESCENDING OUT OF 6,000' FOR 4,000' RECEIVED AND RESPONDED TO TCAS RA ON UNKNOWN VFR ACFT AT 5,700' THREE MILES SOUTH OF FOK AIRPORT. TRAFFIC HAD BEEN CALLED NO LOSS OF SEPARATION, QAR CLOSED, CA
 BN OM E 20:04 SOC: ADZ'S PRIMARY POWER FEED TO PCT WAS CUT. WE ARE RUNNING ON BACKUP FEED AND, IN ADDITION, ENGINE GENERATORS ARE ON STBY. PRIMARY POWER CABLE SCHEDULED TO
 BN OM 20:33 R4001 B INACTIVE
 BN CHP E 20:42 BWI RWY 10 ILS OFM 2200Z.
 BN OM 20:55 R4001 A 60 NUP

BN OM 21:27 OMIC STAND-UP BRIEFING COMPLETE
 CA OM 21:40 W. CARVER (CA) ON DUTY. BN OFF DUTY.
 CA SHD Q 21:59 EMERGENCY AT 2143Z: LXJ521, CL30, IAD ARRIVAL MSP. IAD. #2 ENGINE SHUTDOWN ACCOUNT LOW OIL PRESSURE. 3,800 LBS. FUEL. 5 SOB. LANDING RWY 19L PER PILOT REQUEST. ACFT LANDED AT 2156Z. 4 DEPARTURE ACFT MINIMALLY DELAYED (LESS THAN 5 MINUTES) AWAITING EMERGENCY ACFT TO LAND ON THE DEPARTURE RWY. RWY REOPENED AT 2157Z.
 CA OM 22:00 R6611, R6612 AND R6613 INACTIVE. ACN
 BN OM E 23:37 DCA TDWR CH A OTS. ACN
 BN OM 23:35 B. HAYES (BN) ON DUTY. CA OFF DUTY
 CA OM 00:32 W. CARVER (CA) ON DUTY. BN OFF DUTY
 CA OM E 00:50 DCA TDWR OFM, ACN.
 CA OM E 01:06 GVE VOR VOICE RTS. ACN
 CA OM E 01:18 BELAY SCOPE BREAKER ACCIDENTALLY TRIPPED BY TECH.
 CA OM E 01:27 BWI ILS RWY 10 OTS.
 CA OM E 01:34 BELAY SCOPE RTS.
 CA OM 01:40 R4001A INACTIVE 3,000' AND ABV UNTIL 1200Z ON 2/26 THEN ACTIVE
 CA OM 02:03 IAD RWY 1L/19R UNAVAILABLE. ACCOUNT TECH OPS ON RWY FOR LOC CERTIFICATION
 CA OM F 02:21 BUFR (113) RIGHT HEADSET JACK STUCK IN TRANSMIT MODE
 CA OM 03:30 R6601 AND APH MOA INACTIVE. ACN
 AN OM 03:30 H. ANDERSON(AN) ON DUTY.
 AN OM 04:00 OPERATIONAL WALK THROUGH COMPLETE
 AN OM 04:10 ADW SCRAMBLE LINE CHECK COMPLETE.
 AN SHD F 04:18 IAD RWY 1L/19R LOC CERTIFICATION CMPLT, RWY RTS.
 AN OM E 04:30 BWI ILS RWY OTS REQUEST WITHDRAWN.
 AN OM 04:40 CAPITOL WATCH ADVISED CHP, JRV ON LRR.
 AN OM 04:50 IAD/BWI DEPARTURES NOT ALLOWED IN FRZ.
 AN OM 04:59 COB.


I certify that entries above are correct that all scheduled operations have been accomplished except as noted and that all abnormal occurrences and conditions have been recorded.

Signature(s) of watch supervisor(s):


ATTACHMENT 8

DAILY RECORD OF FACILITY OPERATION

Location: Potomac Consolidated TRACON
 Position: ALL
 Area: PCT

Manager: Barbara Coggiandro
 Date: 3/18/2009
 Checked By: 

Ini	Area	Type	Time	Remarks
DJ	OM		04:00	D. REDDING (DJ) ON DUTY
DJ	OM		04:01	PCT FLIGHT RESTRICTED ZONE UPDATED PROCEDURES IN EFFECT

SUA INFO.

P40 NORMAL
 GUARD DOG INACTIVE
 R6601 HOT TIL 3/17 04Z
 R6602A ACTIVE UNTIL 3-19 0400Z
 R6602B COLD
 R6602C COLD
 R6608A/B/C ACTIVE SFC TO 2 999
 DEMO 1/2/3 INACTIVE
 R6611/12/13 INACTIVE
 R4001A INACTIVE 3000 AND ABOVE
 R4001B INACTIVE
 R4006 INACTIVE
 APH MOA HOT
 FVX MOA INACTIVE
 PICKETT MOA INACTIVE

MTV: DCA RWY 1 ILS LOC/DME UNUSBL BYD 14/BLW 1600. DCA RWY 4/22 CLSD. DCA TDWR OFM. ADW NDB RWY 19R APCH N/A. CGS ABN OTS. DAA RWY 32 MALSF OTS. DAA UHF ATIS 230.0 OTS TIL 03/30/09. W32 VOR/DME RWY 5 APCH N/A. W32 RWY 23 VASI AVBL DAYLIGHT ONLY. OTT VOR UNUSABLE 072-138 BELOW 060, 139-234 BELOW 100, 331-349 AND 350-071.

CHP: BWI RWY 4/22 CLSD EXC TAXI. MTN RWY 15 PYASI OTS. MTN RWY 33 GS OTS. MTN RWY 15 REIL OTS. MTN AS 5 HELO PAD LGTS OTS. ANP RWY 12 VASI OTS. APG RWY 4/22 CLSD TO JET ARVLS. APG ABN OTS. PPM DME OTS. CMW RWY 16 PAPI UNUSBL BYD 5 DGR RGT OF CNTRLN. ESN RWY 4 ILS OTS. ESN RY TORA 5175. FDK NAV VOR UNMNT. FDK RWY 23 ILS OM DCMSN, FME NDB OTS. GAI NDB UNMNT. GAI AWOS VSBY UNRELIABLE. W29 VOR/DME RWY 29 N/A. 0W3 VOR/DME A APCH N/A. 2W2 RNAV RWY 14 LNAV MDA NA. 3W3 RWY 10/28 CLSD TSNT. 6W6 AD CLSD TSNT. RJD AWOS OTS. RJD RWY 30 REILS OTS. W48 AD NO HELO OPS. DGO NAV VOR 358 UNUSBL PLUS SEE AFD BWI RWY 15L/33R CLSD UFN.

SHD IAD RWY 1R ALS OTS EXC SSALR. JYO AWOS WIND UNREL. JYO AWOS ALSTG NA. MRB ILS RWY 26 GS OTS. MRB RWY 26 ALS OTS. RMN RWY 33 GS OTS. CJR MSQ NDB UNUSABLE 260-356 BYND 15 NM. CJR AWOS 119.325 VICE 123.875. CJR AWOS OTS. EZF RWY 6 PAPI OTS. EZF AD CLSD NGT EXC HEL. EZF RWY 24 NDB/GPS N/A. AML TACAN AZM OTS. AML UNSUBL 355-050 BYD 15. AML 210R-250R UNUSBL. AML VOR 130 UNUSBL BYD 20 BLW 2500. CSN 310R-350R UNUSBL BEYOND 10 NM DLW 110. RMN ABN OTS UFN. IAD RY01R PAPI OTS. MRB 525 VOICE LINE OTS. MRB F01G LINE OTS. IAD TDWR CHNL B OTS.

JRV: RIC RWY 2/20 CLSD. CHO RWY 3/21 AND ALL TXY FCL OTS. CHO ASOS WIND UNREL. FYJ RWY 28 PAPI UNUSBL. LKU IQK NDB DCMSND. LKU RWY 27 REIL OTS. OFF LJK NDB DCMSN. OMH ABN OTS. OMH CIRCLING APCH TO RWY 26 N/A AT NIGHT. PTB CIRCLING APCH TO RWY 32 N/A AT NIGHT. VBW NDB OTS. XSA RWY 10/28 PAPI OTS. W96 GCO 135.075 OTS. 7W4 RWY 8/26 CLSD. FAK VOR OTS. FAK TACAN 3.38R UNUSABLE. FAK VOR 067-230 UNUSBL.

JRV, CHP, SHD ON LRR.

FDC NOTAM VERIFICATION COMPLETE

DJ OM E 04:01 DCA ASR-9 MODE S CH B OTS
MDT ASR-9 MODE S CH A OTS.

DJ OM 05:15 COLD START COMPLETE. BASE RESTORED.

DJ OM 05:30 ART CHECK COMPLETE.

DJ JRV E 07:40 RIC TWR ADVISES THAT APCH LIGHTS ARE IN ALARM, WX AT RIC - 1/8SM
R34/800V1400FT FG W001 02/02 A3030 RMK A02 SFC VIS 1.4 SLP206 SOC DESK
ADVISED. CHECKING TO SEE IF CAT II AND CAT III ACFT MAY LAND

DJ OM 07:55 SOC ADVISES THAT ACFT MAY LAND AT RIC WITH APCH LIGHTS IN ALARM. PIREP
FROM USC902 STATING APCH LIGHTS APPEAR TO BE WORKING

DJ OM 08:00 ART CHECK COMPLETE. ICON FOR UPDATING CRU-ART DID NOT POP UP

DJ JRV 08:30 RIC ARPT MANAGEMENT CHECKED APCH LIGHTS AND ARE OPERATIONAL.

DJ OM 08:42 OPERATIONAL WALK THROUGH COMPLETE

DJ SHD E 09:00 MRB ASOS OTM 1111 1900Z

DJ MTV E 09:14 DCA TUNE 2 (ENSTUN) OTS.

DJ OM E 09:59 DCA ASR MODE S CH B RTS, ACN.

DJ OM 10:00 R6608B ACTIVE SFC-10000' ACN.

KV OM 10:37 K CUTHBERTSON (KV) ON DUTY. DJ OFF DUTY

KV OM 10:48 OMIC W/C. WX IFR DUE TO FG. IAD SOUTH SIMULS. DCA ILS 1. BWI ILS EAST. RIC ILS
34

KV CHP 11:00 R4001A ACTIVE ALL ALTITUDES. R4001B ACTIVE SFC-900'. FLM ADZD.

KV JRV 11:00 R6601 ACTIVE. FLM ADZD

KV SHD 11:10 IAD ARR RY 19L ONLY DUE TO LOW RVR ON RY 1C.

KV OM 11:42 OMIC STAND-UP BRIEFING COMPLETE. STAFFING ADEQUATE WITH OT IN SHD AND
JRV. NO SPECIAL OPS. A1 SCHED TO DEP ADW 1650Z

KV OM 11:56 NYG TWR AND APP OPEN. AIRSPACE RLSD BY PCT AFTER COORDINATION WITH
SHD-MTV/JRV FLMS, ACN.

KV MTV 12:00 R6611-R6613 ACTIVE SFC TO 100. R6612 ACTIVE SFC TO 70. FLM ADZD

KV OM 12:06 DAT RCVD. DVRS TAPES CHANGED AND CHECKED.

KV JRV 12:15 APH MOA ACTIVE. ACN

KV OM E 12:28 MDT ASR MODE S CH A RTS, ACN

KV OM E 12:40 MDT ASR MODE S OFM 1240-1310Z, ACN.

KV SHD E 12:45 IAD RWY 1R ALS OFM, ACN.

KV MTV O 12:50 DCA RY 19 DEPARTURE. AWE771. AND ILS RY 1 ARRIVAL. RPA3134. LATE TURN OUT
OF DEPARTURE RESULTS IN PE. RADAR AND VOICE TAPES REVIEWED. PC T-R-00-P-
002 FAXED TO ROC. QAR CLSD.

KV OM 13:00 AWIPS OFM 1300-1700Z. ACN.

KV SHD 13:30 JENA094, C206, SPECIAL INTEREST FLIGHT. AML190009 AT 045. 1330-1700Z. ACN

KV OM 14:30 INVESTIGATING POSSIBLE P56 PD. RPA3316 DCA DEPARTURE. NCRCC AND ROC
ADZD.

KV OM 15:00 R6608A/C ACTIVE SFC-10,000'. DEMO 1/2/3 MOAS ACTIVE AOB 15,000'. ACN

GH DEN 15:10 CGADX, MO21, DENIED FRZ ENTRY TO VKX DUE TO NO RMK IN FLIGHT PLAN.

KV SHD E 15:14 IAD TWR OFM 16-19Z. ACN

KV MTV 16:02 JENA033, C206, DCA210008 AT 085. APVD P56A/B. 1930Z-2330Z. ACN.

MJ MTV Q 16:30 CHG5870 (E145/L) WHILE DESCENDING ON THE ELDEE4 ARRIVAL TO DCA APPEARED
TO CROSS REVUE AT 14,400 (ARRIVAL REQUIRES 15,000). NO OTHER AIRCRAFT
INVOLVED. PD WILL BE FILED. QAR CLSD, KV.

KV SHD 16:44 HEF RWY 16L CLSD. DISABLED ACFT

KV MTV 16:54 JENA094, C206, DCA230011 AT 045 APVD P56A/B. 1730-2130Z. ACN

KV OM 17:02 R6608A/C ACTIVE SFC-2999'. DEMO 1/2/3 MOAS INACTIVE. ACN.

KV JRV 17:08 RIC ASR BCN CH 1 OTS UNTIL 19Z, ACN.
 KV OM 17:13 PD PEA-R-PCT-09-025, RPA3316, FAXED TO ROC AND NCRCC
 KV MTV 17:20 A1 DEPT ADV
 KV OM 17:28 A1 EXITS PCT AIRSPACE.
 KV OM 17:49 PD FILED ON CHQ5870, PEA-R-PCT-09-026 FAXED TO ROC
 KV MTV 18:09 HIBAL BAL248012.3 REACHING FL400 WEF 0903190001-0903190400
 BN OM 18:17 B. HAYES (BN) ON DUTY. KV OFF DUTY.
 BN OM 18:20 RWY CONFIGURATION ADW ILSVA RWY 19L/R, BWI ILS RWY 15L/R, IAD ILSVA RWY 19L/C/R, DCA RIV VA RWY 19, RIC ILSVA RWY 16.
 BN JRV E 18:26 RIC ASR BCN CH 1 RTS, ACN.
 BN OM 18:47 R4001 B INACTIVE
 GT CHP Q 19:24 IMMEDIATE ALERT FROM ZNY JZA7933 7,000' AND SWA2971 7,700'. 2,875 LATERAL CDRFP PLAYBACK REVEALED THAT ALTITUDE SEPARATION WAS MAINTAINED UNTIL COURSES DIVERGED. QAR CLOSED/BN
 BN OM 19:26 NEADS RWY ALERT BRAVE61/62
 BN OM 19:28 NEADS. CANCEL RWY ALERT
 BN OM 19:34 R4001 A 60 NUP, ACN.
 BN MTV E 19:35 ADW RWY 19R/01L ILS OTS TIL 3/28, ACN
 BN OM 20:07 R6608 B ACTIVE SFC TO 2,999'.
 BN OM 20:33 INDIVIDUAL BRIEFINGS COMPLETED.
 BN OM 20:51 ZDC DAHLGREN WILL STAY ACTIVE UNTIL 2120Z, ACN
 BN OM 21:09 ZDC DAHLGREN INACTIVE
 NB SHD E 23:21 IAD RWY 01R ALS RTS SSALR MODE ONLY
 BN OM 00:00 ADW SCRAMBLE LINE CHECK COMPLETE
 BN OM 00:02 USCG SCRAMBLE LINE CHECK COMPLETE. WCLC
 BN OM 01:00 SHD NYC TOWER AND APPROACH CLOSED, ACN.
 BN OM 01:08 OVERDUE ACFT REPORTED TO FDK SHEFF'S DEPT ON N9501F, C172, CLEARED TO OKV ON THE ILS RWY 32 APPROACH AND NEVER CANCELLED IFR @ 0032Z
 BN OM 01:12 PILOT FROM N9501F CALLED SHD TO GET A NEW CLEARANCE. PILOT CANCELLED LAST FLT PLN. CALLED FDK SHRIFF'S OFFICE AND CANCELLED SEARCH
 BN OM E 02:33 JRV R6601 AND AP HILL MOA INACTIVE.
 SHD: IAD RWY 19C/01C LOC AND G/S OFM 0300-0500Z
 RB OM 02:45 R. BRONWLEE (RB) ON DUTY
 RB CHP 02:48 APG R4001 RLSD TO PCT 3-N-UP TIL 1100Z 3/19. CHP ADV
 RB OM 03:59 COB

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Signature(s) of watch supervisor(s)

