



# National Transportation Safety Board

Washington, D. C. 20594

## Safety Recommendation

*Log 2022*

Date: December 8, 1987\*

In reply refer to: A-87-116 through -118

Honorable T. Allan McArtor  
Administrator  
Federal Aviation Administration  
Washington, D.C. 20591

The National Transportation Safety Board has identified several instances in which aircraft operating in the area of a fire or a hazardous material spill added to the severity of the incident, hampered rescue and clean-up efforts, or resulted in the need for medical treatment for the operator or the emergency response personnel. The Safety Board is concerned that the efforts of emergency response personnel are negated or made more difficult when aircraft not required for emergency actions fly, or hover, near disaster areas and that the operators are unknowingly endangering themselves. In the instances identified, none of the aircraft were involved in rescue operations. Five of the instances are detailed below.

- On September 14, 1985, near San Antonio, Texas, a freight train carrying hazardous materials derailed. Twenty-eight cars derailed, including 21 tank cars transporting sulfuric acid. All 21 tank cars were breached, and the sulfuric acid escaped from the cars, entered a nearby river, and formed a vapor cloud. TV helicopters flying low caused serious problems by stirring up fumes and dust. It became necessary to restrict the airspace over the accident site, which was accomplished by notifying the Federal Aviation Administration (FAA) tower. The restricted airspace was later opened to allow news coverage. The pilots were instructed to land and were briefed before proceeding over the accident site.
- On January 28, 1985, near Sunol, California, a highway cargo tank truck spilled approximately 2,500 gallons of 30 percent hydrochloric acid on the road and its shoulders, resulting in vapors rising and dispersing into the air. Approximately 1 1/2 hours after emergency response personnel had established a command post, a news helicopter hovered within or near the cloud for 5 minutes. The rotor downwash redirected the acid vapors back toward the command post, exposing emergency response personnel to the vapors and forcing them to draw back.

\* This is a revised version of the recommendation letter issued on December 8, 1987. The original letter has been revised to correct errors and to include additional information. On June 7, 1988, the Safety Board concluded that Safety Recommendation A-87-116 should be classified as "Closed--Reconsidered."

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- On September 8, 1981, near San Ramon, California, a tank truck transporting acids breached and spilled the acids on the road. A vapor cloud rose from the spill. The California Highway Patrol established a command post well outside the cloud and spill boundaries. Several helicopters, including one carrying a television camera crew, entered the 65-foot-high gas cloud; their occupants required medical treatment due to exposure to acid vapors.
- In March 1978, a freight train carrying hazardous materials derailed near Pinole, California. In the derailment, several cars with petroleum products were breached, their lading was released, and the spilled material entered the San Francisco Bay. To control the spread, emergency response personnel placed booms in the water. Until the booms could be fixed in place, they were held by workmen. The rotor downwash of a news helicopter flying low over the spill area caused waves to form which splashed over the booms, contaminating the workers holding them.
- On March 15, 1974, in Houston, Texas, a train derailed in a railroad yard and several cars containing hazardous materials were breached. The contents ignited and thick clouds of smoke formed in the air. A news aircraft flew into the area and crashed after it made a low, slow turn over the fire and apparently stalled out. The pilot was killed.

These incidents illustrate how nonrescue aircraft can interfere with rescue and clean-up activities and endanger the lives and health of the occupants of the aircraft, the victims of the accident, and the emergency response personnel responding to the fire or hazardous materials incident.

On June 6, 1985, Title 14 Code of Federal Regulations 91.91 was amended to prohibit nonrescue aircraft from flying in the area of these incidents when a Notice to Airmen (NOTAM) has been issued by the FAA. This amendment corrected only one of the deficiencies with the previous language of 14 CFR 91.91. The present provisions of 14 CFR 91.91 require the issuance of a NOTAM to restrict flights but do not address the need for the immediate cessation of unnecessary flights over the area of a hazardous material spill or other disaster. Often the first hour of a disaster is the most critical. These incidents often include the rapid release of toxic vapors, unusual mixtures of synergistic materials, or the rapid spread of fires. Time is required to stabilize the accident locations and to establish a command post, a triage area, and equipment staging locations. However, the issuance of flight restrictions through NOTAMs is a time-consuming process, during which flights can be continued into potentially hazardous situations and exacerbate the situation or interfere with the emergency response operations.

For example, before a NOTAM was issued following a July 28, 1987, crash in the Los Padres National Forest of a Navy UH1-Huey helicopter near Ojai, California, a news helicopter trying to take pictures in the area of the crash contacted by radio the U.S. Forest Service aircraft that was performing medivac operations to advise that the news helicopter was in the area. The air attack office of the U.S. Forest Service repeatedly advised the pilot of the news helicopter to leave the area, but the pilot of the news helicopter continued to remain in the area attempting to get pictures before finally consenting to leave. Although the news helicopter was in the area of the rescue operations only 3 minutes 14 seconds, the copilot of the rescue helicopter stated that the news helicopter, while not directly interfering with the rescue operations,

created an unnecessary distraction and possibly a safety hazard to the personnel working on the ground.

Further, since NOTAMs are not broadcast, pilots must check with flight service stations or air traffic control towers to determine the existence of NOTAMs affecting their flight plans. Pilots do not always take this step, and thus they may unknowingly hinder the rescue and clean-up activities at disaster locations by flying into potentially dangerous situations. Thus, although the issuance of a NOTAM has benefits, it does not solve all the problems.

The Safety Board is concerned that operators may be unaware of the danger to themselves and others when they fly at low altitudes over disasters, such as hazardous material spills and fires. Not only can flights above such areas direct vapors, some of which may not be visible, back to the ground, but they also can expose the occupants of an aircraft to the toxic or harmful characteristics of those vapors.

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

Amend the Federal Aviation Regulations so that flight of aircraft is prohibited within a specified safe distance from areas of disaster, including but not limited to hazardous materials accidents and fires. (Class II, Priority Action) (A-87-116)

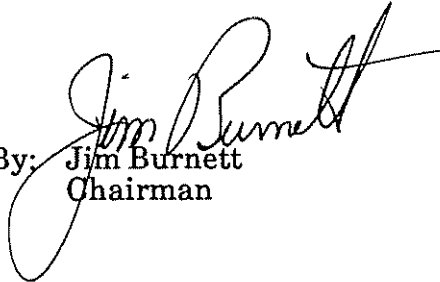
Advise, through the issuance of an Advisory Circular or through other appropriate means, pilots and aircraft operators of hazards to themselves, their passengers, and persons on the ground when their aircraft fly too closely to disasters such as fires and hazardous materials spills. (Class II, Priority Action) (A-87-117)

Notify emergency response officials through organizations such as the International Association of Fire Chiefs, the International Association of Chiefs of Police, the International Society of Fire Service Instructors, and the National Emergency Management Association of the Federal Aviation Administration services available to them to restrict flights over disasters and offer guidance or instruction about obtaining flight restrictions. (Class II, Priority Action) (A-87-118)

Also, as a result of its investigation, the Safety Board issued Safety Recommendation A-87-119 to the National Broadcast Pilots Association and Safety Recommendation A-87-120 to the International Association of Fire Chiefs, the International Association of Chiefs of Police, the International Society of Fire Service Instructors, and the National Emergency Management Association.

BURNETT, Chairman, and LAUBER, NALL, and KOLSTAD, Members, concurred with the original recommendation letter. GOLDMAN, Vice Chairman, did not participate.

BURNETT, Chairman, KOLSTAD, Vice Chairman, and LAUBER, NALL, and DICKENSON, Members, concurred with the revised recommendation letter.

  
By: Jim Burnett  
Chairman