

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: May 13, 1977

Forwarded to:

Honorable Langhorne M. Bond  
Administrator  
Federal Aviation Administration  
Washington, D. C. 20591

SAFETY RECOMMENDATION(S)

A-77-24 and 25

During the National Transportation Safety Board's investigation of a Piper Cherokee Cruiser (PA-28-140) accident at the Baltimore Memorial Stadium, Baltimore, Maryland, on December 19, 1976, the Safety Board and the City of Baltimore had difficulty obtaining a blood sample which had been taken from the pilot when he was admitted to the hospital. A court order was required to obtain samples for alcohol testing.

Each year, the Safety Board determines alcohol to be a cause or a factor in about 40 aircraft accidents, almost all of which are fatal. However, in many accidents in which a pilot survives, the Safety Board is unable to obtain a blood alcohol test because the pilot must consent to the testing. Because of the consent limitations, there is currently no method for determining the number of alcohol-related survivable aircraft accidents. We are concerned that many more aviation accidents may be alcohol-related than is currently known.

14 CFR 91.11(1) and (2) specify that no person may act as a crew-member of a civil aircraft within 8 hours after the consumption of any alcoholic beverage or while under the influence of alcohol. While each of the 50 States has established minimum alcohol levels in highway transportation at which drivers are considered to be under the influence of alcohol, the Federal Aviation Regulations contain no minimum alcohol level at which a pilot is considered to be under the influence of alcohol.

The Safety Board surveyed the 50 States to determine which ones can require a pilot to submit to a blood alcohol test. This survey

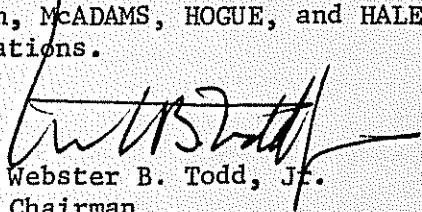
showed that, of the 33 States which responded, 12 can require testing and 4 have implied consent laws pertaining to pilots. We believe that implied consent in aviation should be expanded to include all licensed pilots.

In view of the above, the National Transportation Safety Board recommends that the Federal Aviation Administration:

Amend 14 CFR 61.3 to include an implied consent clause which would be a condition for the issuance of a pilot certificate. (A-77-24) (Class II - Priority Followup)

Amend 14 CFR 91.11 to specify alcohol levels at which a pilot is considered to be under the influence of alcohol. (A-77-25) (Class II - Priority Followup)

TODD, Chairman, BAILEY, Vice Chairman, McADAMS, HOGUE, and HALEY, Members, concurred in the above recommendations.

  
By: Webster B. Todd, Jr.  
Chairman