

National Transportation Safety Board

Office of the Chair

Washington, DC 20594



July 3, 2024

The Honorable Michael G. Whitaker
Administrator
Federal Aviation Administration
Washington, DC 20591

Dear Administrator Whitaker:

Thank you for the two August 31, 2023, letters regarding Safety Recommendations A-22-11, -12, -16, and -17, and the August 21, 2023, letter regarding Safety Recommendation A-22-18, that were all signed by Deputy Administrator Kathryn Thomson. We issued these recommendations to the Federal Aviation Administration (FAA) on May 26, 2022, as a result of our investigation of the December 26, 2019, collision into terrain involving an Airbus AS350 B2 helicopter, operated by Safari Aviation Inc. as a commercial air tour flight, near Kekaha, Hawaii.

A-22-11

Install the necessary infrastructure in Hawaii to enable continuous radio communication between the pilots of low-flying tour flights and ground support personnel, such as flight service station specialists and company flight support personnel, along the most heavily trafficked air tour routes.

We note that, due to the high cost of a standalone air/ground communications site, you are assessing six of the existing operational weather camera sites in Hawaii to determine if they can support the infrastructure needed to enable radio communications between air tour pilots and flight service station specialists. Pending our review of your findings and a plan for completing the recommended action, Safety Recommendation A-22-11 remains classified Open–Acceptable Response.

A-22-12

Implement automatic dependent surveillance-broadcast (ADS-B) infrastructure improvements in Hawaii, such as additional ADS-B ground stations, that provide adequate coverage to enable real-time flight tracking and traffic advisory services for ADS-B Out- and In-equipped, low-flying air tour aircraft throughout their entire tour routes.

We note that you did not have the funding or authorization to include the recommended infrastructure improvements in the Baseline Services Future Segments (BSFS) program, which was created to expand ADS-B coverage along the most heavily trafficked air tour routes in Hawaii and throughout the nation. However, you are considering including them in the BSFS Phase 2 final investment decision, which you expect to be approved in 2025.

Pending confirmation from you that these improvements have been included in BSFS Phase 2, and completion of the recommended action, Safety Recommendation A-22-12 remains classified Open–Acceptable Response.

A-22-16

Issue a safety alert for operators [SAFO] to encourage air tour operators to establish safety assurance processes to routinely review recorded onboard videos and automatic dependent surveillance-broadcast flight tracking data, ideally as part of a safety management system with an integrated flight data monitoring program, for the purpose of identifying and addressing risky trends in weather-related operating practices, such as encounters or near encounters with instrument meteorological conditions-related hazards.

We note that you continue to believe the recommended SAFO is unnecessary because the FAA already routinely discusses safety assurance processes, including reviewing ADS-B data, during initial and recurrent operator training, annual commercial air tour safety meetings, and annual FAA surveillance.

We point out that the intent of this recommendation is for the FAA to encourage air tour operators to review recorded ADS-B data to identify and track occurrences, such as a flight's descent below a required minimum altitude, and discuss the circumstances of the event with the pilot in a nonpunitive fashion. Despite your efforts to discuss safety assurance processes with operators, the accident operator did not have adequate safety assurance processes to assess if company strategies to reduce pilots' risk of inadvertent encounters with instrument meteorological conditions were effective. In addition, you have not responded to the part of this recommendation that asks you to ensure that operators establish safety assurance processes to routinely review recorded onboard videos.

We believe that air tour operators could systematically review onboard videos in conjunction with weather data and other information to identify and track risky trends in weather-related operating practices and review them in a nonpunitive fashion with their pilots. The accident operator in this case could have identified and mitigated some of the risks for continuing flight under visual flight rules into reduced-

visibility conditions by periodically reviewing videos from the accident pilot's flights prior to the accident. We also believe periodic reviews could reinforce continuous good decision-making. Therefore, we continue to believe that issuing a SAFO on these topics is appropriate and needed. Pending the recommended action, Safety Recommendation A-22-16 remains classified Open–Unacceptable Response.

A-22-17

Improve the surveillance of air tour operations in Hawaii through the use of technologies and innovative approaches, including but not limited to comparing automatic dependent surveillance-broadcast flight position data from air tour flights with weather camera imagery for the route and periodically reviewing onboard video recordings, to detect and correct operating practices that may lead to unacceptable weather-related risky behavior.

We note that, although you continue to disagree with this recommendation, you have increased the number of aviation safety inspectors (ASIs) on staff at the Honolulu Flight Standards District Office (FSDO) to 15 and, to improve ASI retention at that FSDO, you are allowing ASIs to reside on other Hawaiian Islands.

We remain concerned that there may be a tendency among some companies or individual pilots (even those who fly for operators not otherwise identified as high-risk) to develop norms for accepting increasing weather-related risks—until they encounter a situation from which they cannot safely escape. We believe the FAA's routine surveillance of air tour flight operations is critical to help counter such behavioral patterns because, without it, the FAA may be unaware that risky weather-related operating practices are occurring. Although we believe the changes at the Honolulu FSDO that you reported are positive, we do not believe they satisfy the intent of this recommendation, which is to use available technology to conduct operational oversight of air tour operations from a distance.

We continue to believe that the FAA needs to develop innovative strategies for conducting operational oversight of air tour operations to reduce procedural drift toward risky weather-related operating practices. These strategies could include, for example, analysis of archived ADS-B data in conjunction with archived weather camera images, review of onboard video recordings from tour aircraft, or other as-yet unidentified methods. Pending the FAA taking the recommended action, Safety Recommendation A-22-17 remains classified Open–Unacceptable Response.

A-22-18

Issue and periodically update a special airworthiness information bulletin [SAIB] that lists newly manufactured helicopters that are equipped with features likely to reduce accidents resulting from inadvertent encounters with instrument meteorological conditions [IIMC], describes retrofit options for helicopters that do not have such equipment, and encourages the voluntary integration of these safety features.

We note that you are developing a SAIB titled, "Loss of Control Prevention/Recovery Systems," that will encourage operators to voluntarily install autopilot systems for stability enhancement and modern flight crew display systems. We also note that the SAIB will introduce IIMC as a new category in the Rotorcraft Safety Promotion Concept (RSPC), which is a resource that educates stakeholders about equipment chosen from a review of government and industry safety recommendations that aims to improve occupant survivability and reduce fatal accidents. Although you indicated that the SAIB would be published by October 2023, your staff informed us that the publication date has been delayed until the summer of 2024.

Although we believe your planned SAIB is responsive to this recommendation, we would like to know how you will determine when it needs to be updated. Pending our review of this information and the published SAIB, Safety Recommendation A-22-18 is classified Open–Acceptable Response.

Please update us at ExecutiveSecretariat@ntsb.gov on your progress toward addressing Safety Recommendations A-22-11, -12, and -18, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

Jennifer Homendy
Chair