

AIRCRAFT ACCIDENT REPORTING

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Did you know that not all accidents or incidents are reportable to the NTSB? The firm recently had a case where a pilot was facing a 30-day suspension. This particular case (and others I have heard about) lead me to believe that most pilots do not have a correct understanding of their accident reporting obligations under the FARs.

The incident involved a pilot who had been force to land a Cessna 210 “gear up” due to a nose gear that was jammed by a tow bar that the pilot had unknowingly left attached to the airplane after the pre-flight. After landing (no one was hurt), the first thing the pilot did was to go inside the FBO and call the FAA. As it turned out, this was unnecessary. The FAA launched an investigation, and several months later, the airman received a letter from the FAA notifying him that they were suspending his license for 30 days arising out of this incident.

Had this pilot not called the FAA (and in my opinion, he was not legally required to do so), he would not have faced an FAA enforcement action. To “add insult to injury,” the pilot did not file a NASA report form, and he made several damaging oral admissions to the FAA in response to their letter of investigation. By the time he called his lawyer after receiving the dreaded “[N]otice of Proposed Certificate Action,” his proverbial “goose” was “cooked!”

Aircraft accident reporting requirements are set forth in NTSB subpart 830. These are also set forth in the Airman’s Information Manual (AIM). In summary, if an aircraft has been in an accident which has resulted in serious personal injury or death, the NTSB must be notified. Apart from this circumstance, whether notification needs to be made or not depends upon whether the aircraft has sustained “substantial damage” in the incident. Many items that we

would commonly think would constitute “substantial damage” are excluded from its definition under the FARs. For example, propeller damage by reason of a ground strike (which commonly occurs in a gear-up landing) is not considered “substantial damage.” Also, skin damage (which commonly occurs to the belly of the aircraft in a gear up adventure) does not constitute “substantial damage.”

What should the aviator have done here? How can we learn from this episode?

1. File a NASA report form. Every pilot should carry several in his or her flight bag.

Thus, if an enforcement action is taken for an inadvertent violation, the aviator will have immunity from any sanction imposed.

2. Know your reporting obligations. When in doubt, ask your lawyer. Based on the facts, you need to ask yourself as a pilot, “[A]m I required to report the accident to the NTSB?” In many cases, the answer is “no.” Once the agency is called, you can't “retract” it. If the FAA had not been called in the subject case, the aviator would not have received a violation and suspension. However, such an incident would, of course, have to be reported on future insurance applications.

3. Don't respond to an FAA Letter of Investigation without considering the effect of your response. Legal counsel may help you to formulate a proper response which avoids making unnecessary and damaging admissions. The FARs are complicated for most lay people. Competent legal advice may be necessary to protect your rights under the law.

DO NOT REPORT AIRCRAFT ACCIDENTS AND CRIMINAL ACTIVITIES ON THIS FORM.
ACCIDENTS AND CRIMINAL ACTIVITIES ARE NOT INCLUDED IN THE ASRS PROGRAM AND SHOULD NOT BE SUBMITTED TO NASA.
ALL IDENTITIES CONTAINED IN THIS REPORT WILL BE REMOVED TO ASSURE COMPLETE REPORTER ANONYMITY.

(SPACE BELOW RESERVED FOR ASRS DATE/TIME STAMP)

IDENTIFICATION STRIP: Please fill in all blanks to ensure return of strip.
NO RECORD WILL BE KEPT OF YOUR IDENTITY. This section will be returned to you.

TELEPHONE NUMBERS where we may reach you for further details of this occurrence:

HOME Area _____ No. _____ Hours _____

WORK Area _____ No. _____ Hours _____

NAME _____

ADDRESS/PO BOX _____

CITY _____ **STATE** _____ **ZIP** _____

TYPE OF EVENT/SITUATION _____

DATE OF OCCURRENCE _____

(MM/DD/YYYY)

LOCAL TIME (24 hr. clock) _____

(HH:MM)

PLEASE FILL IN APPROPRIATE SPACES AND CHECK ALL ITEMS WHICH APPLY TO THIS EVENT OR SITUATION.

REPORTER FLYING TIME (in hours) CERTIFICATES & RATINGS ATC EXPERIENCE

<input type="checkbox"/> Captain	<input type="checkbox"/> Single Pilot	Total Time _____ hrs Last 90 Days _____ hrs Time in Type _____ hrs	<input type="checkbox"/> Student	<input type="checkbox"/> Flight Instructor	<input type="checkbox"/> FPL	<input type="checkbox"/> Developmental
<input type="checkbox"/> First Officer	<input type="checkbox"/> Instructor		<input type="checkbox"/> Sport/Rec	<input type="checkbox"/> Multiengine	radar _____ yrs	
<input type="checkbox"/> pilot flying	<input type="checkbox"/> Trainee		<input type="checkbox"/> Private	<input type="checkbox"/> Instrument	non-radar _____ yrs	
<input type="checkbox"/> pilot not flying	<input type="checkbox"/> Dispatcher: _____ yrs		<input type="checkbox"/> Commercial	<input type="checkbox"/> Flight Engineer	supervisory _____ yrs	
<input type="checkbox"/> relief pilot	<input type="checkbox"/> Other: _____		<input type="checkbox"/> ATP	<input type="checkbox"/> Other: _____	military _____ yrs	
<input type="checkbox"/> check airman						

AIRSPACE CONDITIONS / WEATHER ELEMENTS LIGHT / VISIBILITY ATC / ADVISORY SVC.

<input type="checkbox"/> Class A	<input type="checkbox"/> Class E	<input type="checkbox"/> VMC	<input type="checkbox"/> fog	<input type="checkbox"/> snow	<input type="checkbox"/> dawn	<input type="checkbox"/> night	<input type="checkbox"/> Ramp	<input type="checkbox"/> Center
<input type="checkbox"/> Class B	<input type="checkbox"/> Class G	<input type="checkbox"/> IMC	<input type="checkbox"/> hail	<input type="checkbox"/> thunderstorm	<input type="checkbox"/> daylight	<input type="checkbox"/> dusk	<input type="checkbox"/> Ground	<input type="checkbox"/> FSS
<input type="checkbox"/> Class C	<input type="checkbox"/> Special Use	<input type="checkbox"/> Mixed	<input type="checkbox"/> haze/smoke	<input type="checkbox"/> turbulence	Ceiling _____ feet		<input type="checkbox"/> Tower	<input type="checkbox"/> UNICOM
<input type="checkbox"/> Class D	<input type="checkbox"/> TFR	<input type="checkbox"/> Marginal	<input type="checkbox"/> icing	<input type="checkbox"/> windshear	Visibility _____ miles		<input type="checkbox"/> TRACON	<input type="checkbox"/> CTAF
			<input type="checkbox"/> rain	<input type="checkbox"/> other: _____	RVR _____ feet		ATC Facility Name: _____	

AIRCRAFT 1 AIRCRAFT 2

Your Aircraft Type (Make/Model) (e.g. B737) NOT "N #", Flt #, etc.: _____			Operating FAR Part: _____			Other Aircraft: _____			Operating FAR Part: _____			
Operator	<input type="checkbox"/> air carrier	<input type="checkbox"/> fractional	<input type="checkbox"/> military	<input type="checkbox"/> air carrier	<input type="checkbox"/> fractional	<input type="checkbox"/> military	<input type="checkbox"/> air carrier	<input type="checkbox"/> fractional	<input type="checkbox"/> military	<input type="checkbox"/> air carrier	<input type="checkbox"/> fractional	<input type="checkbox"/> military
	<input type="checkbox"/> air taxi	<input type="checkbox"/> FBO	<input type="checkbox"/> personal	<input type="checkbox"/> air taxi	<input type="checkbox"/> FBO	<input type="checkbox"/> personal	<input type="checkbox"/> air taxi	<input type="checkbox"/> FBO	<input type="checkbox"/> personal	<input type="checkbox"/> air taxi	<input type="checkbox"/> FBO	<input type="checkbox"/> personal
	<input type="checkbox"/> corporate	<input type="checkbox"/> government	<input type="checkbox"/> other: _____	<input type="checkbox"/> corporate	<input type="checkbox"/> government	<input type="checkbox"/> other: _____	<input type="checkbox"/> corporate	<input type="checkbox"/> government	<input type="checkbox"/> other: _____	<input type="checkbox"/> corporate	<input type="checkbox"/> government	<input type="checkbox"/> other: _____
Mission	<input type="checkbox"/> passenger	<input type="checkbox"/> cargo/freight	<input type="checkbox"/> ferry	<input type="checkbox"/> passenger	<input type="checkbox"/> cargo/freight	<input type="checkbox"/> ferry	<input type="checkbox"/> passenger	<input type="checkbox"/> cargo/freight	<input type="checkbox"/> ferry	<input type="checkbox"/> passenger	<input type="checkbox"/> cargo/freight	<input type="checkbox"/> ferry
	<input type="checkbox"/> personal	<input type="checkbox"/> training	<input type="checkbox"/> other: _____	<input type="checkbox"/> personal	<input type="checkbox"/> training	<input type="checkbox"/> other: _____	<input type="checkbox"/> personal	<input type="checkbox"/> training	<input type="checkbox"/> other: _____	<input type="checkbox"/> personal	<input type="checkbox"/> training	<input type="checkbox"/> other: _____
Flight Plan	<input type="checkbox"/> VFR	<input type="checkbox"/> SVFR	<input type="checkbox"/> none	<input type="checkbox"/> VFR	<input type="checkbox"/> SVFR	<input type="checkbox"/> none	<input type="checkbox"/> VFR	<input type="checkbox"/> SVFR	<input type="checkbox"/> none	<input type="checkbox"/> VFR	<input type="checkbox"/> SVFR	<input type="checkbox"/> none
	<input type="checkbox"/> IFR	<input type="checkbox"/> DVFR		<input type="checkbox"/> IFR	<input type="checkbox"/> DVFR		<input type="checkbox"/> IFR	<input type="checkbox"/> DVFR		<input type="checkbox"/> IFR	<input type="checkbox"/> DVFR	
Flight Phase	<input type="checkbox"/> taxi	<input type="checkbox"/> climb	<input type="checkbox"/> final approach	<input type="checkbox"/> taxi	<input type="checkbox"/> climb	<input type="checkbox"/> final approach	<input type="checkbox"/> taxi	<input type="checkbox"/> climb	<input type="checkbox"/> final approach	<input type="checkbox"/> taxi	<input type="checkbox"/> climb	<input type="checkbox"/> final approach
	<input type="checkbox"/> parked	<input type="checkbox"/> cruise	<input type="checkbox"/> missed/GAR	<input type="checkbox"/> parked	<input type="checkbox"/> cruise	<input type="checkbox"/> missed/GAR	<input type="checkbox"/> parked	<input type="checkbox"/> cruise	<input type="checkbox"/> missed/GAR	<input type="checkbox"/> parked	<input type="checkbox"/> cruise	<input type="checkbox"/> missed/GAR
	<input type="checkbox"/> takeoff	<input type="checkbox"/> descent	<input type="checkbox"/> landing	<input type="checkbox"/> takeoff	<input type="checkbox"/> descent	<input type="checkbox"/> landing	<input type="checkbox"/> takeoff	<input type="checkbox"/> descent	<input type="checkbox"/> landing	<input type="checkbox"/> takeoff	<input type="checkbox"/> descent	<input type="checkbox"/> landing
	<input type="checkbox"/> initial climb	<input type="checkbox"/> initial approach	<input type="checkbox"/> other: _____	<input type="checkbox"/> initial climb	<input type="checkbox"/> initial approach	<input type="checkbox"/> other: _____	<input type="checkbox"/> initial climb	<input type="checkbox"/> initial approach	<input type="checkbox"/> other: _____	<input type="checkbox"/> initial climb	<input type="checkbox"/> initial approach	<input type="checkbox"/> other: _____
Route in Use	<input type="checkbox"/> airway (ID): _____	<input type="checkbox"/> STAR (ID): _____	<input type="checkbox"/> visual approach	<input type="checkbox"/> airway (ID): _____	<input type="checkbox"/> STAR (ID): _____	<input type="checkbox"/> visual approach	<input type="checkbox"/> airway (ID): _____	<input type="checkbox"/> STAR (ID): _____	<input type="checkbox"/> visual approach	<input type="checkbox"/> airway (ID): _____	<input type="checkbox"/> STAR (ID): _____	<input type="checkbox"/> visual approach
	<input type="checkbox"/> direct	<input type="checkbox"/> oceanic	<input type="checkbox"/> none	<input type="checkbox"/> direct	<input type="checkbox"/> oceanic	<input type="checkbox"/> none	<input type="checkbox"/> direct	<input type="checkbox"/> oceanic	<input type="checkbox"/> none	<input type="checkbox"/> direct	<input type="checkbox"/> oceanic	<input type="checkbox"/> none
	<input type="checkbox"/> SID (ID): _____	<input type="checkbox"/> vectors	<input type="checkbox"/> other: _____	<input type="checkbox"/> SID (ID): _____	<input type="checkbox"/> vectors	<input type="checkbox"/> other: _____	<input type="checkbox"/> SID (ID): _____	<input type="checkbox"/> vectors	<input type="checkbox"/> other: _____	<input type="checkbox"/> SID (ID): _____	<input type="checkbox"/> vectors	<input type="checkbox"/> other: _____

If more than two aircraft were involved, please describe the additional aircraft in the "Describe Event/Situation" section.

LOCATION CONFLICTS

Altitude: _____ (single value) <input type="checkbox"/> MSL <input type="checkbox"/> AGL	Estimated miss distance in feet: horiz _____ vert _____
Distance: _____ and/or Radial (bearing): _____ from:	Was evasive action taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Airport _____ <input type="checkbox"/> ATC Fac _____	Was TCAS a factor? <input type="checkbox"/> TA <input type="checkbox"/> RA <input type="checkbox"/> No
<input type="checkbox"/> Intersection _____ <input type="checkbox"/> NAVAID _____	Did terrain warning system activate? <input type="checkbox"/> Yes <input type="checkbox"/> No

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AVIATION SAFETY REPORTING SYSTEM

NASA has established an Aviation Safety Reporting System (ASRS) to identify issues in the aviation system which need to be addressed. The program of which this system is a part is described in detail in FAA Advisory Circular 00-46E and FAA Handbook 7210.3. Your assistance in informing us about such issues is essential to the success of the program. Please fill out this form as completely as possible, enclose in a sealed envelope, affix proper postage, and send it directly to us.

Section 91.25 of the Federal Aviation Regulations (14 CFR 91.25) prohibits reports filed with NASA from being used for FAA enforcement purposes. This report will not be made available to the FAA for civil penalty or certificate actions for violations of the Federal Air Regulations. Your identity strip, stamped by NASA, is proof that you have submitted a report to the Aviation Safety Reporting System. We can only return the strip to you, however, if you have provided a mailing address. Equally important, we can often obtain additional useful information if our safety analysts can talk with you directly by telephone. For this reason, we have requested telephone numbers where we may reach you.

The information you provide on the identity strip will be used only if NASA determines that it is necessary to contact you for further information. THIS IDENTITY STRIP WILL BE RETURNED DIRECTLY TO YOU. The return of the identity strip assures your anonymity.

Thank you for your contribution to aviation safety.

NOTE: AIRCRAFT ACCIDENTS SHOULD NOT BE REPORTED ON THIS FORM. SUCH EVENTS SHOULD BE FILED WITH THE NATIONAL TRANSPORTATION SAFETY BOARD AS REQUIRED BY NTSB Regulation 830.5 (49CFR830.5).

If you want to mail this form, please fold both pages (and additional pages if required), enclose in a sealed, stamped envelope, and mail to:



NASA AVIATION SAFETY REPORTING SYSTEM
POST OFFICE BOX 189
MOFFETT FIELD, CALIFORNIA 94035-0189

DESCRIBE EVENT/SITUATION

Keeping in mind the topics shown below, discuss those which you feel are relevant and anything else you think is important. Include what you believe really caused the problem, and what can be done to prevent a recurrence, or correct the situation. (USE ADDITIONAL PAPER IF NEEDED)

CHAIN OF EVENTS

- How the problem arose
- How it was discovered
- Contributing factors
- Corrective actions

HUMAN PERFORMANCE CONSIDERATIONS

- Perceptions, judgments, decisions
- Actions or inactions
- Factors affecting the quality of human performance

DESCRIBE EVENT/SITUATION, continued...

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- How the problem arose
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