

## Jim Hall, Former NTSB Chairman and Counsel to The Nolan Law Group Issues Statement Regarding Flight Data Recorders

2008-08-04

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Jim Hall, former Chairman of the National Transportation Safety Board (NTSB) and Counsel to the Nolan Law Group issued the following statement today

At his press availability in Minnesota Friday morning, NTSB Member Steven Chealander revealed that there was no flight data recorder (FDR) installed on the Hawker 800 that crashed in Owatonna, MN, on Thursday morning.

Fortunately, the cockpit voice recorder (CVR) will provide some limited information as to the flight crew's reactions and actions regarding whatever caused the crash, but an FDR would provide a fraction-of-the-second readout of systems performance. This information would yield critical insight into any mechanical malfunction. Witness reports indicate the aircraft touched down at Degner Owatonna Airport, but that it appeared the landing attempt was aborted for some reason and the airplane was trying to become airborne when it crashed, killing the two pilots and the six passengers.

The NTSB must now try to piece together what happened in those final seconds.

We've had this frustration before -- a fatal crash and no flight recorder to help document why the airplane stalled and plummeted to the ground. Recall the 2005 crash of a Cessna Citation V jet owned by Circuit City Stores in Pueblo Colorado where all eight people aboard the jet were fatally injured or the 2002 crash of a King Air A100 on approach at Eveleth, MN, that killed Sen. Paul Wellstone and the seven others aboard. Neither plane was equipped with an FDR. We see this time and time again -- an accident occurs with air taxis or corporate airplanes, and recorders were not required to be installed, forcing NTSB accident investigators into a search for other data, such as radar tapes from air traffic control, to infer what happened. A supposition, however well educated, is simply not good enough.

As a result of the Wellstone accident, the NTSB recommended to the Federal Aviation Administration (FAA) that if recorders are not going to be ordered installed on air taxis, at the least a video recording of pilots' actions in the cockpit, in which the field of view would capture essential controls and the instrument panel, should be obtained.

On 7 March 2008, some six years after the Wellstone crash, the FAA ruled that video recorders would not be mandated for installation on air taxis. Needless to say, the NTSB's "Most Wanted" safety recommendation remains in an "unacceptable" status. In its ruling, the FAA said, "The issue of cockpit video is unsettled." The unsettled situation averred to by the FAA results in large measure because of its failure to press the issue with industry. Sadly, despite the availability of this invaluable technology, the inaction of the FAA and the business aviation community regarding these safety measures will once again leave the people of Minnesota asking questions.

According to the FAA, the 124-page March rule on recorders "will enable investigators to retrieve more data from accidents and incidents requiring investigation." Unfortunately, that's true only for airplanes carrying ten or more passengers. Hundreds of airplanes, including the Hawker and the King Air carrying Sen. Wellstone and party, are not covered. So much for the FAA's much-publicized ethic of "one level of safety." The sad fact is that occupants aboard air taxis are not afforded the same protection as passengers aboard a regularly scheduled airline. Make no mistake, recorders are part of the safety equipment, because with the information they contain, we can prevent the next accident.

To reach Mr. Hall for additional comment please contact either Brianne Murphy at 347-524-1415 or Jamie Crooks at 619-507-4182.

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