May 20th, 2016

Via email

Jim Silliman

Investigator-in-Charge

National Transportation Safety Board

490 L'Enfant Plaza, SW

Washington, DC 20594

RE: Execuflight, LLC Party Submission regarding N237WR

Date of Accident: November 10, 2015

NTSB Investigation Number: CEN16MA036

Dear Mr. Silliman:

The purpose of this letter is to provide our recommendations regarding the final National Transportation Safety Board (NTSB) report in this matter, in accordance with 49 C.F.R. § 831.14.

On behalf of all the hardworking men and women at Execuflight, LLC, we appreciate the opportunity to submit these comments in our common pursuit of aviation safety.

I. INTRODUCTION

On November 10, 2015, about 1453 eastern standard time (EST) (1953Z), Execuflight flight 1526, a British Aerospace HS 125-700A, N237WR, while on approach to landing at Akron Fulton International Airport (AKR) impacted a 4-plex apartment building in Akron, Ohio. The Captain, First Officer, and seven passengers died; no ground injuries were reported. The airplane was destroyed by the crash and a post-crash fire. The airplane was registered to Rais Group International NC LLC and operated by Execuflight under the provisions of Title 14 *Code of Federal Regulations* (*CFR)* Part 135 as an on-demand charter flight. Instrument meteorological conditions prevailed, and an instrument flight rules (IFR) flight plan was filed. The flight departed from Dayton-Wright Brothers Airport (MGY), Dayton, Ohio, about 1413 EST and was destined for AKR.

Through this submission, we wish to describe some of the rigorous safety protocols that are in place at Execuflight, LLC, and call attention to several issues that we believe are not only important to the understanding of this accident but also to enhancing safety throughout the aviation industry.

II. SUMMARY

- At the time of the accident, Execuflight, LLC had in place a robust safety culture, sent its pilots to an industry-leading training center, had well-proven Standard Operating Procedures (SOPs), and used effective check and balance measures to ensure the above standards were implemented. These were designed, if followed, to prevent an occurrence such as EFT1526.

- There is an insufficient factual basis for the NTSB suggested "Revised W/B" chart on page 41 of the Operational Factors Factual Report. Similarly, there is an insufficient analytical basis to suggest or imply that the "Revised W/B" figure had any causal relationship to the accident.

- Other contributing factors to this accident include air traffic control errors and inadequate communication from air traffic control to the accident flight crew to confirm the accident flight crew had received current weather for Akron Fulton International Airport (AKR).

III. EXECUFLIGHT, LLC. PRIORITIZES SAFETY

Execuflight, LLC. has a strong safety record and is committed to continuously improving its systems and enhancing its safety culture. *See Interview Summary James Piccoli,* FAA Principal Operations Inspector (POI), referring to Execuflight, LLC as a "very good operator." In the aftermath of the EFT1526 accident, Execuflight, LLC thoroughly reviewed the relevant SOPs and analyzed the circumstances that potentially caused or contributed to this accident. The NTSB Operational Factors Group Chairman's Factual Report provides an in-depth discussion of the relevant SOPs then in place.

Notwithstanding the robustness of its training program and SOPs before the accident, Execuflight has since implemented a proactive safety measure that requires all crews to fly constant rate descent approaches on all Localizer Approaches regardless of weather conditions.

IV. SUBSTANTIVE COMMENTS TO THE OPERATIONAL FACTORS FACTUAL REPORT

A. Weight and Balance

Page 41 of the Operational Factors Factual Report contains a suggested "Revised W/B" weight and balance for EFT1526 and suggests the actual landing weight was 286 pounds over the maximum allowable landing weight of 22,000 pounds. Execuflight, LLC. disagrees with both the accuracy and relevance of the purported weight and balance chart on page 41.

The NTSB appears to propose the chart as a proposed "actual" weight for the accident aircraft. If the NTSB is going to perform an analytical exercise and calculate an "actual" aircraft weight, Execuflight, LLC respectfully submits that all weights for all items on the proposed chart should reflect "actual" weights as opposed to changing only selective items from the crew's weight and balance record, which then result in an overweight condition.

For example, the NTSB suggested chart continues to use the standard 200 pound weight for all passengers. However, based on fact witness statements, Execuflight, LLC has a factual and reasonable basis to suggest the two female passengers on EFT1526 weighed around 150 pounds each. It also

appears that, based upon pictures of the male passengers, some of them may have also weighed less than the standard 200 pounds.

Also, the NTSB revised chart uses an 8,160 Fuel Weight after purchase of fuel in Dayton, based upon statements made by the fuel seller in MGY that the crew *requested* both wing tanks be "topped off" and filled to capacity, and ignores the Fuel Weight of 7,700 pounds provided by the accident crew. There is no analytical basis or reason for the NTSB to select an 8,160 Fuel Weight over the accident crew 7,700 Fuel Weight. Based upon Execuflight's operational experience with N237WR, the crew monitors the cockpit fuel gauge during the fueling process and then would close the fuel valve to a given tank when the desired fuel level was reached, whether the tank was full or not, thereby making it appear to a lineman that the tank was "topped off" regardless of what level of fuel was on board.

Finally, the NTSB suggested 300 pound Estimated Taxi Burn is too low. The available information shows the time between door closure and take off was approximately 24 minutes. Based upon Execuflight's operational experience with N237WR, a more accurate Estimated Taxi Burn for this duration of time given the airplane's passenger load and operating environment is five-hundred (500) pounds.

Although the possibilities and variables for the "actual" weight calculation are many, Execuflight, LLC. submits that the evidence and procedures in this case demonstrate N237WR was in fact below the maximum takeoff weight at the time of takeoff, and below the maximum landing weight at the time of the accident.

Execuflight, LLC also disputes the relevance of the "Revised W/B" to this investigation. Even if the airplane was at a maximum landing weight of 22,000, as opposed to 21,665 as calculated by the accident crew, the resulting increase in weight provides only a one-knot increase in recommended approach speed. Furthermore, there is no analytical basis to demonstrate the "Revised W/B" chart would cause a material change in flight characteristics so as to warrant it being cited as a contributing cause to this accident.

B. Hiring and Training of Accident Crew

Execuflight, LLC thoroughly interviewed and investigated both the Captain and the First Officer before hiring either as an employee. *See interview summaries Execuflight President Danny Lewkowicz and Execuflight Chief Pilot Rich Ruvido.* The hiring process included, in part, an in-person interview and demonstrative Part 91 flights to observe each in the cockpit environment during an actual flight before the hiring decision was made. In addition, complete PRIA checks were performed and reviewed for both pilots. Furthermore, the offer of employment was conditional upon successful completion of flight training at CAE Simuflight, an industry-leading training center. In addition, on one occasion

Execuflight Chief Pilot Rich Ruvido flew with the Captain during a line check. During the flight Rich Ruvido observed the accident Captain and Rich Ruvido was observed by an FAA inspector. No discrepancies were noted during the flight to question the proficiency of the accident Captain.

The above information demonstrates that both the Captain and First Officer successfully completed an extensive hiring process and successfully passed and industry-leading flight training program without any complication.

V. SUBSTANTIVE COMMENTS TO THE AIR TRAFFIC CONTROL FACTUAL REPORT

A. Air Traffic Control failed to provide current approach information to the accident pilots

En route and terminal approach controllers are required to provide approach information to pilots. The requirements are contained in FAA order 7110.65, *Air Traffic Control,* paragraph 4-7-10(a), "Approach Information":

> a. Both en route and terminal approach control sectors must provide current approach information to aircraft destined to airports for which they provide approach control services. This information must be provided on initial contact or as soon as possible thereafter…. For pilots destined to an airport without ATIS, items 3–5 below may be omitted after the pilot advises receipt of the automated weather; otherwise, issue approach information by including the following:
>
> 1. Approach clearance or type approach to be expected if two or more approaches are published and the clearance limit does not indicate which will be used.
>
> 2. Runway if different from that to which the instrument approach is made.
>
> 3. Surface wind.
>
> 4. Ceiling and visibility if the reported ceiling at the airport of intended landing is below 1,000 feet or below the highest circling minimum, whichever is greater, or the visibility is less than 3 miles.
>
> 5. Altimeter setting for the airport of intended landing.

The AKR airport had a federally owned and operated automated surface observation system (ASOS). The last observation before the accident was:

> AKR special weather observation at 1431 EST, automated, wind from 250 degrees at 8 knots, visibility one and one-half statute miles in mist, ceiling overcast at 500 feet, temperature 11 degrees Celsius (C), dew point 9 degrees C, altimeter 29.95 inches of mercury (Hg). Remarks: automated observation system, ceiling 300 feet variable 900 feet agl, temperature 11.1 degree C, dew point 9.4 degree C.

The observation taken two minutes after the accident was:

> AKR weather observation at 1454 EST, automated, wind from 240 degrees at 7 knots, visibility one and one-half statute mile in mist, ceiling broken at 400 feet agl, overcast at 900 feet, temperature 11 degrees C, dew point 9 degrees C, altimeter 29.95 inches of Hg. Remarks: automated observation system, sea level pressure 1014.2hPa, temperature 10.6 degrees C, dew point 9.4 degrees C.

When Air Traffic Controller Parris asked if the accident crew had the current weather for AKR the pilot responded he was "getting the weather." The interview summaries indicate that when EFT1526 was south of CAK, on a 065 heading, at 5,000 feet, Air Traffic Controller Parris was relieved from his shift and Air Traffic Controller McKenzie took over the approach. Mr. McKenzie admitted during his interview that Mr. Parris had told him that EFT 1526 was "in the process of getting the weather", but the pilot did not report that he had it. Despite this information, Mr. McKenzie incorrectly concluded the pilots of EFT 1526 had the weather information.

The Cockpit Voice Reporter Transcript also confirms that Air Traffic Control never confirmed the accident pilots had the current weather at AKR before the accident.

B. Air Traffic Control failed to access current weather information for AKR

When asked why he did not provide Zipline 1526 with the altimeter setting for AKR when the flight checked in, Mr. Parris explained that in order to get the current altimeter for AKR, he would need to get the current ASOS information. ATC does not have a direct line to get that information, and the

controllers have to dial a phone number to get it. Mr. Parris added that they do not have an information display system (IDS), which would provide access to satellite airport weather information.

When asked about controller access to current weather information for satellite airports, Mr. Parris said that they do not have any capability to get the current ASOS weather except by calling the published ASOS telephone number. They can pull up some airports' ASOS weather information, but that is not always the current information, because only the last hourly weather observation will be printed out. CAK controllers do not get weather briefings, but Mr. Parris always looked at the weather reports in the Comprehensive Electronic Data Analysis and Reporting (CEDAR) system before signing on position.

C. Air Traffic Control failed to relay or solicit of relevant PIREPs

At 1418, a pilot landing in CAK provided a pilot report of weather conditions. When asked why he did not provide that PIREP to the pilot of Zipline1526, Mr. Parris replied that the PIREP pertained to an arrival into CAK, not AKR. Mr. Parris believed the weather at CAK may not be the same weather as AKR so he found that PIREP irrelevant.

Mr. Parris was asked if he normally solicited PIREPS in accordance with the FAA Order 7110.65. He said he was aware of the instruction, but did not solicit PIREPS that session because there were already some valid PIREPS available when he signed on position.

D. The cumulative effect of the above errors contributed to the accident

Execuflight, LLC submits that the cumulative effect of the above Air Traffic Control errors contributed to the accident and should be included in the NTSB probable cause report.

VI. CONCLUDING REMARKS

At the time of the accident, Execuflight, LLC had in place a robust safety culture, sent its pilots to an industry-leading training center, had well-proven Standard Operating Procedures (SOPs), and used effective check and balance measures to ensure the above standards were implemented. These were designed, if followed, to prevent an occurrence such as EFT1526.

Execuflight, LLC believes that it would be in the best interest of aviation safety for the NTSB to address the actions of air traffic control as a contributing cause to this accident. A properly implemented air traffic control system should always enhance a pilot's ability to safely fly and monitor the aircraft and surrounding weather at a destination airport.

On behalf of the hardworking men and women at Execuflight, LLC, we thank the NTSB for its work and our opportunity to contribute to this investigation.

Very truly yours,

Danny Lewkowicz

President

Execuflight, LLC

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