

# FAA Policies *for* Motion Picture Plan of Activities (POA)

*NTSB Request No. 15-260*

Presented to: NTSB

By: Federal Aviation Administration

Date: September 10, 2015



Federal Aviation  
Administration



# FAA Briefing Participants

- **Joe Hemler; AFS-820**
  - Aviation Safety Inspector (Operations)
  - Flights Standards - Commercial and General Aviation Division
- **Pat Hempen; AVP-100**
  - Sr. Air Safety Investigator
  - Former Aviation Safety Inspector (Operations)
- **Jeff Guzzetti; AVP-100**
  - Manager



# Background

- **February 10, 2013 - NTSB Case No. WPR13FA119**
  - Acton, California
  - Bell 206B
  - 3 fatalities
  - CFIT at night during filming
- **June 18, 2015 - Probable Cause Published**

The pilot's decision to conduct a flight in dark night conditions with an illuminated cockpit light that degraded his visibility and his ability to identify and arrest the helicopter's descent while maneuvering, which resulted in controlled flight into terrain. ***Contributing to the accident was the FAA inspector's failure to identify the video production's flight as being potentially dangerous during the review of the proposed flight activities.***"



# SCVNews.com | FAA Official Partly to Blame for Fatal Acton Chopper Crash

SCVNews.com

A movie helicopter pilot's decision to fly at night with a blinding cockpit light that reduced his visibility resulted in his own death and that of two passengers in Acton in 2013, according to a final report from the National Transportation Safety Board.

A contributing factor was a Federal Aviation Administration inspector's failure to recognize the flight as potentially dangerous during a pre-flight review.

Pilot David Gene Gibbs, 59, of Valencia and passengers Darren Arthur Rydstrom, 46, of Whittier, and Michael William Donatelli, 45, of Pennsylvania were killed when Gibbs' helicopter went down at the Polsa Rosa Movie Ranch at 3:30 a.m. on Feb. 10, 2013.

Gibbs' Bell 206B JetRanger helicopter was being used in a reality TV sequence in which an actor was to drop a backpack to the ground while the helicopter hovered. The actor's face needed to be illuminated while the cameras on the ground filmed him, so a "flexible light pad was cupped to direct the light toward the actor's face," according to the NTSB report.

"Before takeoff, the camera operator asked the pilot if they could try to use the light pad, and the pilot responded, 'we'll see, it just really (sigh) blinds me,'" the report said.



# Background *(continued)*

- **July 6, 2015 - FAA conveys concern to NTSB regarding contributing factor on**
  - NTSB agrees to consider deletion of contributing factor
  - NTSB concerned with FAA response to previous NTSB recommendation to FAA issued in 1994 regarding POA that was prompted by the “Vic Morrow” crash.
- **July 16, 2015 - NTSB Request No. 15-260**

NTSB requested that FAA provide a “*briefing on the Motion Picture Plan of Activities (POA) waiver process. Purpose, intent, authority of FAA on these activities, etc.*”



# Previous Safety Recommendation

## A-84-16

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: March 9, 1984

Forwarded to:

Honorable Michael J. Fenello  
Acting Administrator  
Federal Aviation Administration  
Washington, D.C. 20591

SAFETY RECOMMENDATION(S)

A-84-16

On July 23, 1982, at 0220 Pacific daylight time, a Bell UH-1B helicopter, N87701, registered to Rocky Mountain Helicopter, Provo, Utah, and operated by Western Helicopters, Inc., Rialto, California, crashed during the filming of a movie at Indian Dunes, Valencia, California.

The helicopter was being used in the filming of a motion picture scene depicting a village typical of villages in Viet Nam which was under attack from heavy ordnance. The helicopter was used as a camera platform as well as in an active role in the movie sequence. The helicopter was hovered about 25 feet above the village and nearby directly

Therefore, the National Transportation Safety Board recommends that the Federal Aviation Administration:

Extend the terms of FAA Order 8440.5A Section 5, Waiver of Section 91.79(a) and (c), Motion Picture and Television Flight Operations Manual, to require an FAA-approved flight operations manual for all types of aircraft. (Class III, Longer Term Action) (A-84-16)



# Response/Status of Recommendation

NTSB LTR DTD: 11/26/84

The Safety Board has reviewed the proposed changes to the FAA's Order 8440.5A, Chapter 14, Section 5, Paragraphs 234 and 234-1, and finds the proposed changes to be consistent with the intent of this Safety Recommendation. Pending incorporation of these changes into FAA Order 8440.5A, Safety Recommendation A-84-16 is being maintained in an "Open--Acceptable Action" status.

Your efforts to improve aviation safety are appreciated.

NTSB LTR DTD: 7/1/86

We note that the changes have been incorporated in FAA Order 8440, Chapter 14, Section 5, Paragraphs 234 and 234-1. Accordingly, this recommendation is now classified as "Closed--Acceptable Action."



# FAA Order 8900.1

## VOLUME 3 General Technical Administration

### CHAPTER 8 Issue a Certificate Of Waiver For Motion Picture And Television Filming

#### SECTION 1 Issue a Certificate Of Waiver For Motion Picture And Television Filming





# Volume 1, Chapter 1, Section 1

## 1-5 Directives And Guidance Information

***A. Directive Information.*** Directive information is information considered directive in nature, contains terms such as “shall,” “will,” or “must,” and means the actions are mandatory. “Shall not” prohibits the action. The use of these terms will leave no flexibility, and inspectors must follow their direction unless otherwise authorized by HQ.

# Volume 1, Chapter 1, Section 1

**B. Guidance Information.** Guidance information is information considered guiding in nature and will contain terms such as “should” or “may.”

1) “*Should*” indicates actions that are expected. If the “should” expectation cannot be met, what was done to comply must be documented. Resulting mitigating actions must be taken and communicated as appropriate.

2) “*May*” indicates actions that are desirable, permissive, or not mandatory, and allow flexibility.



# Paragraph 3-213

## I. Motion Picture and Television Operations Manual.

Operating and safety procedures must be incorporated in a motion picture and television operations manual. The operations manual, once accepted, becomes part of the waiver. The operations manual is the standard by which a certificate holder must conduct all operations pursuant to FAA Form 7711 1 authorization. The controls, procedures, and conditions set forth in the operations manual are the primary assurance that nonparticipating persons will not be jeopardized. This will be the basis for the authorization of the motion picture and television area of operation and/or the issuance of the waiver. Therefore, failure to comply with the provisions of the operations manual shall be considered a violation of the terms of the waiver and may constitute justification for cancellation of the waiver.



# Paragraph 3-214

**E. Plan of Activities.** The manual must include procedures for the pilot/operator to submit 3 days before scheduled filming and a written plan of activities to the local FSDO having jurisdiction over the area of proposed filming. The 3 day notification may be waived with the concurrence of the FSDO. Justification of the exception to the 3 day requirement is required. **The plan of activities must include at least the following:**

- 1) Dates and times for all flights.
- 2) Name and phone number of person responsible for the filming production event.
- 3) Name and phone number of person responsible for the aircraft.
- 4) Make, model, and serial or N number of aircraft to be used and type of airworthiness certificate, including CAT.
- 5) Name and certificate number of pilots involved in the filming production event, including any notation of external load endorsements or aerobatic competency, if required.
- 6) A statement that the waiver holder has obtained permission from property owners and/or local officials to conduct the filming production event. The list of those who gave permission must be made available to the inspector upon request from the waiver holder.
- 7) Signature of waiver holder or representative.
- 8) A description of the flight activity including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the minimum altitudes essential to accomplish the operation



# FAA Review of Acton Case

- Policy developed to protect the “*non-participating public*”
- Van Nuys Inspector thoroughly & properly followed policy
- Pilot flew outside of scope of the POA (time) and with bright lights.
- Limits to FAA Inspector Oversight, Authority, Effectiveness



# *Questions ?*

