

# NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety  
Washington, D.C. 20594

September 30, 2016

## Specialist's Factual Report

### HUMAN PERFORMANCE

CEN16MA036

#### A. ACCIDENT

Operator	Execuflight Inc.
Location	Akron, Ohio
Date	November 10, 2015
Time	1452 eastern standard time
Aircraft	Execuflight Flight 1526, a British Aerospace HS 125-700A
Registration	N237WR

#### B. SUMMARY

On November 10, 2015, about 1452 eastern standard time (EST), Execuflight flight 1526, a British Aerospace HS 125-700A, N237WR, departed controlled flight while on approach to land at the Akron Fulton International Airport (AKR) and impacted a 4-plex apartment building in Akron, Ohio. The pilot, co-pilot, and seven passengers were fatally injured; there were no reported ground injuries. The airplane was destroyed by impact and post-impact fire. The airplane was registered to Rais Group International NC LLC., and operated by Execuflight, as a Title 14 Code of Federal Regulations Part 135 on-demand charter flight. Instrument meteorological conditions prevailed at the time of the accident, and the flight was operated on an instrument flight rules (IFR) flight plan. The flight originated from Dayton-Wright Brothers Airport (MGY), Dayton, Ohio, at 1413 EST and was destined for AKR.

#### C. FACTUAL INFORMATION

##### 1.0. Summary of Personal Electronic Device Activity

This section describes the personal electronic device (PED) activity relevant to the investigation that was recorded for both crewmembers in the days prior to the accident. All times are shown in EST.

## 1.1. Captain

Date	Time <sup>1</sup>	Activity <sup>2</sup>
11/10	1349	Outgoing WhatsApp msg to Execuflyght: Doors Closed at KMGY
	1133	Outgoing WhatsApp msg to Execuflyght: Doors Open at KMGY
	0904:11	Outgoing phone call
11/09	2315:02	Incoming phone call, answered, duration: 01m 58s
	1955	Outgoing WhatsApp msg to Execuflyght: Doors Open at KLUK
	1838	Outgoing WhatsApp msg to Execuflyght: Doors Closed at KSUS
	1645	Outgoing WhatsApp msg to Execuflyght: Doors Open at KSUS
	1549	Outgoing WhatsApp msg to Execuflyght: Doors Closed at KMLI
	1252	Outgoing WhatsApp msg to Execuflyght: Doors Open at KMLI
	1150	Outgoing WhatsApp msg to Execuflyght: Doors Closed at KSTP
	1029	Outgoing WhatsApp msg to Execuflyght: Doors Open at KSTP
	0650	Outgoing WhatsApp msg to Execuflyght: Doors Closed at KFXE
	0519:42	Outgoing phone call
11/08	2356:38	Incoming phone call, answered, duration: 32m 48s
	0734:48	Outgoing phone call
	0124:27	Outgoing phone call, duration 00m 43s
11/07	0718:19	Outgoing phone call, failed call
	0128:33	Outgoing phone call, duration 00m 19s

## 1.2. First Officer

Date	Time	Activity
11/10	0902:47	Outgoing phone call, failed
11/09	2043:57	Outgoing phone call, duration 01m 33s
	1704:39	Incoming phone call from captain of TEB trip on November 6 <sup>th</sup> and 7 <sup>th</sup> , answered, duration: 10m 52s
	1124:49	Incoming phone call, answered, duration: 14s
11/08	1915:22	Outgoing phone call, answered, duration: 03s
	1703:42	Outgoing SMS text message
	1256:42	Incoming SMS text message from captain of TEB trip on November 6 <sup>th</sup> and 7 <sup>th</sup>
	1256:20	Incoming SMS text message from captain of TEB trip on November 6 <sup>th</sup> and 7 <sup>th</sup>
	1243:15	Outgoing SMS text message to captain of TEB trip on November 6 <sup>th</sup> and 7 <sup>th</sup>
	1109:54	Incoming SMS from captain of TEB trip on November 6 <sup>th</sup> and 7 <sup>th</sup>
	0917:27	Outgoing SMS text message
11/07	1011:51	Incoming phone call, duration: 01m 13s
11/06	1956:39	Outgoing phone call, duration: 00m 04s

<sup>1</sup> Time presented in 24-hour format as hhmm:ss for phone call initiation, and hhmm for WhatsApp messages.

<sup>2</sup> Phone call and SMS text message activity originated from cell phone provider records. WhatsApp message information originated from photos of received WhatsApp messages provided by Execuflyght (see Attachment 18 to the Operational Factors Group Chairman's Factual Report).

## 2.0. Summary of First Officer’s Flights

This section summarizes the flights the first officer flew in the 4 days preceding the accident. Dates and times reference times recorded on Execuflight-provided flight logs, unless denoted otherwise. Flight log times were converted from UTC to EST for display in the following table.

### 2.1. Summary of Flights

Table 1. Summary of the flights flown by the first officer in the 3 days prior to the accident<sup>3</sup>

Flight	Duty Start (EST)	Flight Start: Doors Closed “Out” Time (EST)	Departure “Off” Time (EST)	Landing “On” Time (EST)	Flight End: Doors Open “In” Time (EST)
11/7 TEB – FXE (Part 135)	11/7 1500	11/7 1720	11/7 1726	11/7 2000	11/7 2006
11/7 <sup>4</sup> FXE – ORL (Part 91)	N/A	11/7 2040	11/7 2044	11/7 2129	11/7 2134
11/7 <sup>2</sup> ORL – MMY (Part 135)	N/A	11/7 2157	11/7 2200	11/8 0048	11/8 0052
11/8 MMY – MIA (Part 135)	N/A	11/8 0430	11/8 0436	11/8 0712	11/8 0715
11/8 MIA – FXE (Part 91)	N/A	11/8 0744	11/8 0751	11/8 0803	11/8 0807
11/9 FXE – STP (Part 135)	11/9 0550	11/9 0650	11/9 0658	11/9 1023	11/9 1030
11/9 STP – MLI (Part 135)	N/A	11/9 1150	11/9 1158	11/9 1245	11/9 1250
11/9 MLI – SUS (Part 135)	N/A	11/9 1550	11/9 1558	11/9 1636	11/9 1640
11/9 SUS – LUK (Part 135)	N/A	11/9 1840	11/9 1847	11/9 1949	11/9 1955
11/10 LUK – MGY (Part 135)	11/10 ~1103	11/10 1110	11/10 1112	11/10 1126	11/10 1130
11/10 MGY – ACK (Part 135)	N/A	11/10 ~1349	11/10 ~1349	N/A	N/A

<sup>3</sup> When available, times for duty start, flight start, and flight end were taken from the aircraft log; the symbol ~ denotes that time was taken from “Doors Closed” and “Doors Open” WhatsApp messages provided by Execuflight.

<sup>4</sup> The trip sheet for this flight reflected dates in local time and times in UTC. This information was verified using radar data

## 2.2. Calculation of First Officer’s Compliance with Rest and Flight Time Requirements

The times of each of the first officer’s flights and reported duty start times were used to calculate amount of consecutive rest at the completion of each flight. The amount of consecutive rest was compared to the requirements outlined in FAR 135.267(d) to determine whether each flight complied with rest requirements.

Table 2. First officer’s compliance with rest requirements in the days preceding the accident.

Flight	Duty Start (EST)	Flight Start: Doors Closed “Out” Time (EST)	Flight End: Doors Open “In” Time (EST)	Time since off duty at flight completion (hh:mm)	Amount of consecutive rest in 24 hours preceding flight completion (hh:mm)	Compliance with 135.267 (d) (Consecutive rest in 24 hrs > 10 hrs)
11/7 TEB – FXE (Part 135)	11/7 1500	11/7 1720	11/7 2006	05:06	18:54	Yes
11/7 FXE – ORL (Part 91)	N/A	11/7 2040	11/7 2134	06:34	17:26	Yes
11/7 ORL – MMY (Part 135)	N/A	11/7 2157	11/8 0052	09:52	14:08	Yes
11/8 MMY – MIA (Part 135)	N/A	11/8 0430	11/8 0715	16:15	07:45	No
11/8 MIA – FXE (Part 91)	N/A	11/8 0744	11/8 0807	17:07	06:53	N/A <sup>5</sup>
11/9 FXE – STP (Part 135)	11/9 0550	11/9 0650	11/9 1030	04:40	19:20	Yes
11/9 STP – MLI (Part 135)	N/A	11/9 1150	11/9 1250	07:00	17:00	Yes
11/9 MLI – SUS (Part 135)	N/A	11/9 1550	11/9 1640	10:50	13:10	Yes
11/9 SUS – LUK (Part 135)	N/A	11/9 1840	11/9 1955	14:05	09:55	Yes <sup>6</sup>
11/10 LUK – MGY (Part 135)	11/10 ~1103	11/10 1110	11/10 1130	00:27	14:33	Yes
11/10 MGY – ACK (Part 135)	N/A	11/10 ~1349	N/A	N/A	N/A	N/A

<sup>5</sup> According to the FAA’s legal interpretation of 14 CFR 135.267, repositioning flights conducted under Part 91 following the completion of a Part 135 trip, do not count towards rest requirements for the previous trip, but can detract from rest for a future trip. ([www.nata.aero/data/files/gia/dutyandrest/hutson1992interp.pdf](http://www.nata.aero/data/files/gia/dutyandrest/hutson1992interp.pdf), Accessed on June 15, 2016)

<sup>6</sup> Planned completion time for this flight was 1948 (59-minute flight that departed at 1849) which fell within compliance with rest requirements, despite an actual “In” time of 1955.

The departure and landing times of each of the first officer’s flights were used to calculate amount of flight time in the preceding 24 hours at the completion of each flight. The amount of flight time was compared to the requirements outlined in FAR 135.267(b) to determine whether each flight complied with flight time requirements.

Table 3. First officer compliance with flight time requirements

Flight	Departure “Off” Time (EST)	Landing “On” Time (EST)	Flight Time (hh:mm)	Amount of flight time in consecutive 24 hours preceding flight completion (hh:mm)	Compliance with 135.267 (b) (Consecutive 24 hours flight time < 10 hours)
11/7 TEB – FXE (Part 135)	11/7 1726	11/7 2000	02:34	02:34	Yes
11/7 FXE – ORL (Part 91)	11/7 2044	11/7 2129	00:45	03:19	Yes
11/7 ORL – MMY (Part 135)	11/7 2200	11/8 0048	02:48	06:07	Yes
11/8 MMY – MIA (Part 135)	11/8 0436	11/8 0712	02:36	08:43	Yes
11/8 MIA – FXE (Part 91)	11/8 0751	11/8 0803	00:12	08:55	N/A
11/9 FXE – STP (Part 135)	11/9 0658	11/9 1023	03:25	03:25	Yes
11/9 STP – MLI (Part 135)	11/9 1158	11/9 1245	00:47	04:12	Yes
11/9 MLI – SUS (Part 135)	11/9 1558	11/9 1636	00:38	04:50	Yes
11/9 SUS – LUK (Part 135)	11/9 1847	11/9 1949	01:02	05:52	Yes
11/10 LUK – MGY (Part 135)	11/10 1112	11/10 1126	00:14	02:41	Yes
11/10 MGY – ACK (Part 135)	11/10 ~1349	N/A	N/A	N/A	N/A

Execuflight was provided an opportunity to review the NTSB’s calculations based on the data the company provided; and was asked specifically to comment on the data showing 7 hours 45 minutes of rest for the first officer on November 8 indicating noncompliance with 135.267 (d). Sworn testimony of the captain who flew with the accident first officer during the TEB – FXE trip was taken on September 14, 2016. Sworn testimony of the president of Execuflight was taken on September 20, 2016. Email correspondence between the NTSB and Execuflight, regarding the 7 hours 45 minutes of rest for the first officer on November 8, is provided as exhibits to the transcripts of the sworn testimony. The transcripts of the sworn testimony are attached to this factual report.

#### **D. LIST OF ATTACHMENTS**

Attachment 1: Hotel record for first officer's trip November 6<sup>th</sup> and 7<sup>th</sup>

Attachment 2: Transcript of September 7, 2016 deposition of captain who flew TEB trip with accident first officer November 6<sup>th</sup> and 7<sup>th</sup>

Attachment 3: Transcript of September 20, 2016 deposition of president of Execuflyght

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