

Factual Report – Addendum 2
FAA Legal Interpretation Email

OPERATIONAL FACTORS

ERA18MA099

From: [REDACTED]
To: [Lawrence David](#)
Cc: [Gunther Todd](#); [Bramble William](#); [McKenny Van](#); [REDACTED]
Subject: RE: 19-078 Status of Legal Determination of accident flight
Date: Thursday, April 11, 2019 10:38:00 AM

Hi Capt. Lawrence,

This is in response to NTSB Request 19-078. Please see the note below.

There is no new information on the legal status of the accident flight. Liberty Helicopters was the holder of a part 91 sightseeing (air tours) LOA and the FSDO determined the flight in question was conducted under such authority. This means that the flight was operated as a commercial air tour pursuant to the LOA issued under 91.147, and was excepted from the part 119 certification requirements per 119.1(e)(2).

Have a great day,

Anne

Anne Torgerson
Aviation Safety
Accident Investigation, AVP-100
FAA
800 Independence Ave., SW
Washington, DC 20591
[REDACTED]

From: Lawrence David [REDACTED] >
Sent: Thursday, April 11, 2019 8:51 AM
To: Torgerson, Anne (FAA) <a [REDACTED]>
Cc: Gunther Todd <[REDACTED]>; Bramble William <[REDACTED]>
McKenny Van [REDACTED]
Subject: Re: 19-078 Status of Legal Determination of accident flight

Hi Anne,
Just following up on the progress of this request.
Thanks
David

From: Lawrence David <[REDACTED]>
Sent: Tuesday, March 5, 2019 1:33 PM
To: [REDACTED]

Cc: Gunther Todd; Bramble William; McKenny Van

Subject: 19-078 Status of Legal Determination of accident flight

Thanks, Anne!

Captain David A. Lawrence
Senior Air Safety Investigator
Operational Factors Division (AS-30)
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594



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NATIONAL TRANSPORTATION SAFETY BOARD

Subject: Accident / Incident Investigation Support Request
To: Federal Aviation Administration, Accident Investigation Division

From: NTSB, Name and Office: NTSB, David Lawrence, AS30

Request Number: 19-078 **Date:** 3/5/2019

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Event: ERA18MA099 Liberty Helicopter Accident; New York, NY

DESCRIPTION OF SUPPORT REQUESTED

Background: In your April 30, 2018 legal interpretation (see NTSB request 18-102), you stated that the accident flight “would likely qualify as a commercial air tour, even though it was not conducted as such” but that you “would need additional facts to evaluate the particularity of the operation, including the intended route, in light of the factors listed under the definition of commercial air tour.”

Request the following:

Has the FAA obtained the facts needed to determine the legal status of the accident flight, and what is that determination? If not, exactly what factual information does the FAA need further to make a determination on the status of the accident flight?

NTSB Contact / Telephone David
Lawrence, NTSB [REDACTED]

FAA Coordinator/IIC: Matt Rigsby

- - - - - For Federal Aviation Administration Use - - - - -

Date Received _____ FAA Log Number _____

To: _____ Date Forwarded: _____

From: Manager, Accident Investigation Division

The above request has been received from the NTSB. Your support in providing the data not later than 15-working days or as soon as possible is appreciated. Please refer any questions on this matter to Ms. Roberta Toth at [REDACTED]

Date returned to Accident Investigation Division _____

Received by _____ on _____