

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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JANUARY 10, 2014  
CESSNA 310R, N3829G,  
ROYAL AIR FLIGHT 907  
PONTIAC, MICHIGAN

\* Docket No.: CEN14FA110

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Interview of: RON BIRNIE

Waterford Police Department  
5150 Civic Center Drive  
Waterford, Michigan

Wednesday,  
March 12, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: MITCHELL GALLO  
Accident Investigator

## APPEARANCES:

MITCHELL GALLO, Accident Investigator  
Office of Aviation Safety  
National Transportation Safety Board (NTSB)

E. BARRY ROGERS, Aviation Safety Inspector  
Air Carrier - Operations  
Federal Aviation Administration (FAA)  
East Michigan Flight Standards District Office  
Belleville, Michigan

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DEAN G. GREENBLATT, ESQ.  
Dean G. Greenblatt, PLC  
(Representative on behalf of Mr. Birnie)

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I N T E R V I E W

(9:14 a.m.)

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2  
3 MR. GALLO: Well, thank you, Mr. Ron Birnie, for joining  
4 us today. I just want to start out, I have a couple questions,  
5 some which are similar to what I asked Mr. Kostich.

## INTERVIEW OF RON BIRNIE

BY MR. GALLO:

6  
7  
8 Q. I start out with, what is your position in the company  
9 and how long have you held that?

10 A. I'm the chief pilot at Royal Air Freight, and I've held  
11 that position since 1995.

12 Q. And what did you do prior to that?

13 A. I was a line pilot for Royal Air.

14 Q. And as a line pilot what did you fly?

15 A. Started out as a Lear copilot and moved to the 310,  
16 eventually a Turbo Commander and the MU-2. And then made captain  
17 in the Lear and then went to captain in the Falcon in '94.

18 Q. And when was the last time you talked to Andy Demos and  
19 what did you talk to him about?

20 A. The last time I talked to him was the night before the  
21 accident. He had aircraft problems in Georgia and he called me to  
22 see if there was anything that I knew that we could do for the  
23 airplane, and it was determined that it was done and that he was  
24 -- we were going to have to perform maintenance.

25 Q. And do you recall the time, what time it was when you

1 talked to him?

2 A. Not specifically. I was at home, but -- 9, possibly  
3 10:00 in the -- at night. I'm not 100 percent sure on that.

4 Q. And that was which day?

5 A. Should have been on the 9th.

6 Q. Did you talk to him prior to that while he was away?

7 MR. GREENBLATT: I'm sorry, you mean on that trip?

8 MR. BIRNIE: On that trip, or --

9 BY MR. GALLO:

10 Q. Yes, on that trip.

11 A. No.

12 Q. How did he sound to you when you talked to him on the  
13 9th?

14 A. Normal, for lack of a better word. I mean, just trying  
15 to figure out what was wrong with his airplane and -- I didn't  
16 notice anything out of the ordinary.

17 Q. Were you aware that he had taken some time off that was  
18 scheduled after the day of the accident?

19 A. Yeah. He was -- he had scheduled a couple days off.

20 Q. And did you know about that prior to the accident?

21 A. Yes, I did.

22 Q. And how did you learn that he had scheduled --

23 A. He notified me -- to be honest with you, I don't know if  
24 he left me a note or if he -- yeah, actually, he called me and  
25 told me about it. I think it was 2 weeks prior to that he knew

1 about it.

2 Q. And how much time did he request off?

3 A. I'd have to look. It wasn't very long, that much I  
4 remember. It wasn't like it was a 2-week thing; it was a couple  
5 of days, maybe.

6 Q. So do the pilots normally call you if they want to take  
7 time off?

8 A. Most of the time.

9 Q. And then how does that information that you have migrate  
10 into the whole scheduling system?

11 A. Then I advise dispatch that they're going to be gone.

12 Q. When you talked to him on the 9th, did he express any  
13 frustration that he was still there, in Georgia?

14 A. No. I -- yeah, no.

15 Q. So he sounded normal to you then?

16 A. He did.

17 Q. On other occasions when you talked to him, did he have  
18 any issues he indicated to you that he was having at home or in  
19 his personal life at all?

20 A. No.

21 Q. And when you talked to him on the 9th, did he -- did you  
22 talk about weather at all?

23 A. We did not.

24 Q. Let me go back so you know what I'm referencing and  
25 where I'm going to go with the next line of questioning.

1           When Andy Demos first came in for an interview, can you  
2 tell us what transpired and what was discussed during that  
3 interview?

4           A.   Of course, we had received his resume and had reviewed  
5 that information and decided that he would be someone we'd be  
6 interested in talking to. So the call was made and he came in.  
7 I'd have to look what specific day. But generally talked about  
8 the job, what it would entail, if that was something that he would  
9 like to do. Talked about his qualifications and background a  
10 little bit. I guess I did my best to explain the company and how  
11 things worked. I don't know, I guess there were probably  
12 questions back and forth, but specifically, you know, I don't  
13 remember all the details. But typically then I give them a little  
14 tour of the facility and go from there.

15          Q.   And how long did the interview last? And you can use an  
16 estimate. I'm not looking for specific times.

17          A.   Probably a couple hours.

18          Q.   And did he tell you that he applied to other pilot  
19 positions, other companies?

20          A.   He -- not that I remember.

21          Q.   Did he mention -- or did you ask him his current  
22 employment situation, whether he was unemployed or employed?

23          A.   Yeah, we -- I did, and my understanding was he was  
24 unemployed at the time.

25          Q.   Well, ultimately he got hired at Royal Air. What were

1 the attributes and piloting knowledge experience that you liked  
2 that led him to be hired?

3 A. I guess, first of all, he was -- just seemed to be a  
4 very confident, capable individual, easy to talk to. Had some  
5 interesting background that interested us; his, some of his flying  
6 experiences. And one thing that attracted me to him was he  
7 mentioned that he had no interest in, like, a major airline. So I  
8 took that to -- as an assumption that he might be a long-term  
9 employee for us, and that's always a plus.

10 Q. Did he tell you why he didn't have an interest in an  
11 airline?

12 A. Not -- I don't remember the specifics other than, you  
13 know, being gone from home a lot, which can be in this job also,  
14 but that was maybe one of the things.

15 Q. And, correct me if I'm wrong, you flew with him on the  
16 day of the interview?

17 A. I'd have to look, but that's very possible.

18 Q. In a Cessna 310. It was November-1768-Echo, if that  
19 helps you remember.

20 A. Okay.

21 Q. Can you just go through about how that flight got  
22 initiated, what -- the preflight actions and what occurred during  
23 the flight?

24 A. Sure. Once it became kind of apparent that he was  
25 interested in us, we were interested in him, I asked him if he

1 wanted to go out and fly. It was -- I think it was a pretty nice  
2 day. And so we -- I pointed him in the direction of an airplane  
3 and he went out and, you know, I said, take some time and look it  
4 over, find the switches, do -- you know, here's the checklist and,  
5 you know, the things you can't find then that's what we'll go over  
6 and stuff. But, and it was explained to him that it was just more  
7 of a familiarization flight than anything, and just wanted to see  
8 basics, how he did, how he handled himself, how he handled the  
9 plane.

10           And so from then on, once I got in the airplane -- well,  
11 actually before we got in, we did the preflight so I could show  
12 him some things on the airplane. And got in and ran through the  
13 checklist and -- didn't do anything, you know, as far as single  
14 engine work or anything that day. That was just -- it was just  
15 here's the airplane, this is a taste of the equipment.

16           We went to -- I believe we went to Flint and shot an  
17 approach up there, instrument approach, and came back to Pontiac.  
18 It wasn't anything huge or long, but it was enough to tell that he  
19 seemed very capable and wasn't -- never having flown a 310 before,  
20 it wasn't -- he wasn't that familiar with the airplane, but  
21 definitely had piston engine time. He knew how to manage the  
22 engines. And the rest of it, you know, I gave him power settings  
23 and speeds and, you know, all that stuff. Everything's marked in  
24 the airplane, but I just, in the instructor mode, I guess, told  
25 him, well, this would be a good place for that, and just kind of

1 an easy flight. Didn't really do anything -- didn't do stalls or  
2 steep turns or any of that. I just wanted him to fly the  
3 airplane.

4 Q. And just going back a little bit as far as hiring for  
5 that Cessna 310 position, is there a hourly requirement that you  
6 have or you feel comfortable with in hiring people?

7 A. Well, what's required is what's in the 135 regs. You  
8 know, they have to have 1200; they have to have a certain amount  
9 of night, but anything above that is usually a bonus for us.  
10 Extra multi-engine time is nice. Doesn't always mean everything.  
11 I mean, some people fly better with low hours than some people  
12 with high time, so it's got to be a lot based on the individual.

13 Q. And what point during the interview process did you make  
14 the decision that you wanted to have him work at Royal Air?

15 A. I was pretty confident in wanting him before we went to  
16 fly or I probably wouldn't have spent the time in the airplane  
17 with him.

18 Q. And after the flight what happened then? Did he just go  
19 home or did he talk to anybody else?

20 A. I discussed it with the director of ops and it was  
21 decided to make it official, offer him a job, and he did not  
22 accept right away. He wanted to talk it over with -- I'm not sure  
23 who; wife, obviously. But it was a few days before he got back to  
24 us and accepted the offer.

25 Q. And did you consider any other applicants for this

1 Cessna 310 pilot position?

2 A. At that same time, or --

3 Q. Well, let me just --

4 A. There were no other candidates at the same time that  
5 Andy was there.

6 Q. Okay. Do you know when the need came up to fill the  
7 position? And an estimate is fine.

8 A. Yeah, to be honest with you, we always have a need. We  
9 always have more airplanes than we have pilots. I could hire one  
10 today. I mean, it's just whether we really want to do that or  
11 not.

12 Q. Okay. All right, so after the interview and you said he  
13 had to go talk it over to whoever he had to talk it over with. Do  
14 you recall when he got back to you and said "Yes, I want to be  
15 hired"?

16 A. It, like I said, it was a few days. Actually I had -- I  
17 think I called him once in between to see what he -- if he was --  
18 and he said he needed a couple more days. So that may have been  
19 over a weekend. I'm not sure in whether he got back to me on a  
20 Monday or a Tuesday or -- I don't know. It was 4 or 5 days, I  
21 think, before he let me know.

22 Q. Was pay ever an issue with him?

23 A. Not that I recall.

24 Q. And regarding pay, the pilots are salaried?

25 A. They draw a guarantee but they're actually paid by the

1 mile.

2 Q. Okay, so there's no compensation for a faster flight,  
3 getting somewhere an hour before, anything like that?

4 A. No.

5 Q. So at some point he contacted you and said "Yes, I want  
6 the job." Did you then tell him to come in for training, or how  
7 did the training start?

8 A. I usually ask them when they think they can arrive and  
9 tell them that we would get started, and he gave me a date and I'm  
10 guessing that's when he showed up. So --

11 Q. Was there a lot of time that lapsed between him calling  
12 you telling you that he was going to accept the position and when  
13 training started?

14 A. No. There wasn't a big gap there at all.

15 Q. So going to his training, how was that structured as far  
16 as how things were going to begin with ground school and then  
17 flight training? Who set that schedule up?

18 A. Myself.

19 Q. And his first flights, I guess, were in the Falcon 20?  
20 December 3rd and 4th, that time frame?

21 A. Yeah, I'm not sure those were the first flights, but I  
22 did take him with me in the Falcon, yes.

23 Q. Okay. So the Falcon flights, were those training  
24 flights, then? Is that used for training, then?

25 A. Yes.

1 Q. And so what kind of training was conducted on board,  
2 then?

3 A. Well, mostly where Andy was going to be a 310 pilot it  
4 was more company ops: this is how we conduct a trip; this is what  
5 we -- this is where we go; this is how we handle the day-to-day  
6 operations. And at some point we had discussed, you know, where  
7 Andy might want to go within the company, so I thought it would be  
8 a good idea for him to try the other airplanes, too.

9 Q. And how much time did he spend on the Falcon being the  
10 flying pilot and what maneuvers did he do?

11 A. We didn't do any maneuvers other than normal stuff  
12 because we were -- myself and another copilot were assigned to go  
13 do a charter, and I let Andy fly on the 91 legs and the other  
14 guys, we flew the freight legs.

15 Q. So with Andy flying on the 91 legs, it was all cruise  
16 flight or were there any descents, approaches, landings  
17 accomplished by him?

18 A. Yes.

19 Q. And which --

20 A. All. I mean, I might let him go as far as I could  
21 without helping him, but he did a very nice job.

22 Q. And he sat in the right seat when he was flying?

23 A. He did.

24 Q. And so who else aboard -- who else was on board on those  
25 flights?

1 A. If I remember right, both flights were Todd Beck.

2 Q. Nobody else was on board then?

3 A. No, sir.

4 Q. How much advance notice did you give Mr. Andy Demos for  
5 that initial flight on the Falcon 20?

6 A. Probably about the same as I had, about half an hour.

7 Q. And is a half hour typical notice for getting notified  
8 of a -- for a freight flight?

9 A. Yeah. I mean, it might take us a little longer than  
10 that to get going, but yeah, we don't know where we're going till  
11 the phone rings, so.

12 Q. Okay.

13 A. If I recall -- yeah. I mean, when I found out I was  
14 going I just asked him if he wanted to go along, so.

15 Q. And then did you perform any additional flights in the  
16 310 after the interview with Mr. Andy Demos for flights -- 135  
17 flight instruction?

18 A. Yes.

19 Q. And do you remember when those occurred?

20 A. Not without looking, no.

21 Q. And can you discuss what you did on those flights where  
22 you flew with him on a 310 where he's getting 135 instruction?

23 A. Sure. We started, you know -- he had some, after some  
24 ground school he had some pretty good basic knowledge of the  
25 airplane, so then we -- we did flight maneuvers. I know we did

1 steep turns. We did stalls. We did slow flight. We did -- and  
2 then the rest of it was pretty much approach work and a little bit  
3 of en route. You know, we did -- I don't remember exactly when,  
4 but I usually don't just go to Flint. We went to Port Huron one  
5 time and, you know, so there's a little extra time in the flight  
6 just to cruise and -- but pretty much all the maneuvers that are  
7 required, we had covered. At some point there would have been  
8 single engine work.

9 Q. During December, do you recall how much time Andy would  
10 spend at the company offices? Do you recall what time he would  
11 come in during the day?

12 A. Well, I usually told him not to come in till 9, 9:30,  
13 because that would give me time to get squared away and ready to  
14 help him. So then, you know, depending on how things were going  
15 or whatever, sometimes it was 3, 4, 5 o'clock in the afternoon.

16 Q. And what did he do during that time?

17 A. A lot of it was reading through the company ops and then  
18 we'd discuss that, or the aircraft flight manual and we'd discuss  
19 that, considerable amount of time in the regs and then discussions  
20 on that. So sometimes he'd read and I'd go do a couple things and  
21 come back and see how he was doing and go from there. And then if  
22 we could get in a flight, then that's what we would do.

23 Q. Going to his check ride, how was it determined that he  
24 was ready for a check ride?

25 A. Well, in my opinion, he satisfactorily completed every

1 phase of the flight that he needed to do without any intervention  
2 from me.

3 Q. And can you discuss the check ride itself, what  
4 maneuvers were done and what was discussed on that?

5 A. We actually did it almost like a trip. We left Pontiac  
6 and took off, headed for Saginaw, and en route we did a stall, we  
7 did a steep turn. We went into Saginaw, did an approach to a  
8 landing, taxied back, if I remember right there. He got ready to  
9 go; the next destination was Lansing. We flew over to Lansing,  
10 did a single engine approach in there to a landing, came back out  
11 of there, back to Pontiac and did one or two -- two approaches  
12 there, I believe. And, you know, like we did two there because of  
13 -- I needed to accomplish a rejected landing that hadn't been done  
14 yet.

15 Q. And did he have to repeat any of the maneuvers?

16 A. No.

17 Q. The approaches, some of them were single engine also; is  
18 that correct?

19 A. Correct.

20 Q. Okay. How many -- now, as far as the in-flight  
21 maneuvers, it was just steep turns, and was it just one stall or  
22 more than one stall?

23 A. I believe we just did the one that day.

24 Q. And what configuration was the airplane in for that  
25 stall?

1 A. We did the full dirty configuration.

2 Q. So there was no, like a departure stall?

3 A. Not that day.

4 Q. Okay. And then the steep turns, was it just in one  
5 direction or did you do it both directions?

6 A. We did half a steep turn in each direction. So a 180  
7 and a 180, so we ended up going back the same direction.

8 Q. And this was during the initial leg from -- departing  
9 out of Pontiac; that was during the initial leg?

10 A. Um-hum.

11 COURT REPORTER: Is that a yes? Could you say yes?

12 MR. BIRNIE: Yes. Sorry.

13 BY MR. GALLO:

14 Q. And do you recall what your en route cruise speed was  
15 at, indicated? Was it --

16 A. No, I don't recall.

17 Q. Was the needle in the green or yellow?

18 A. At some point, I'm sure.

19 Q. Now, when I came here to photograph some of the flight  
20 training records and the pilot records, you had mentioned that you  
21 had a discussion with Andy about the weather on the 9th, that --  
22 about the weather and that he had -- then you told me he had  
23 higher-than-standing minimums that you wanted him to have of 400  
24 and something.

25 A. Dispatch and I were keeping an eye on that. We usually

1 limit the new guys, and sometimes it's higher than that, but Andy  
2 was -- seemed very proficient, so I -- dispatch and I had put  
3 together a 400 and 1 limit for him.

4 Q. And do you use that for all new hires or how do you  
5 determine who gets higher minimums?

6 A. Not all new hires, depending on their experience.

7 Q. In going back to the check ride, was the check ride in  
8 VMC conditions?

9 A. Yes.

10 Q. And how did you simulate IMC conditions?

11 A. Andy always wore a hat, and I just had him pull that  
12 down.

13 Q. Mr. Demos's airman competency proficiency check for 135,  
14 it mentions, has in the remarks "Lower than standard takeoff  
15 demo," and "Low mins demo." What's a low mins demonstration?

16 A. We make them come all the way to decision height and  
17 then decide whether they're going around, or we give them runway  
18 in sight or runway not in sight call.

19 Q. Do you ever have them fly past decision height down to  
20 the runway using the ILS signal?

21 MR. GREENBLATT: As a point of clarification, do you  
22 mean just using the ILS with a view limiting device on all the way  
23 to the ground or monitoring the ILS all the way to the runway?

24 BY MR. GALLO:

25 Q. Use the ILS solely as a reference all the way down to

1 the ground, or past the -- no, I'm sorry, past decision height?

2 A. No, we have -- what I do is I tell them that at DH I  
3 want you to look up but stay on the glide path. Because there are  
4 times when you can go -- in the regs, if you get anything in sight  
5 that's runway environment, for easy terms, that you can continue  
6 that other 100 feet.

7 Q. And then the lower than standard takeoff demonstration?

8 A. I just -- again, he's got his hat on, he lowers it. And  
9 in a 310 it isn't that big a deal because the lowest they can go  
10 is a half a mile anyway for takeoff. So I usually tell them don't  
11 look farther than halfway down the runway.

12 Q. And during the check ride was the autopilot used on any  
13 of the approaches?

14 A. I know he used it en route and -- let's see. Which  
15 airplane was it in?

16 Q. Let me see.

17 A. Top right-hand side it should say.

18 Q. 3829-Gulf.

19 A. I believe that airplane was capable of shooting an  
20 approach on the autopilot.

21 Q. Did he use the autopilot for any of the approaches?

22 A. I am not sure. I know he used it en route, but I am not  
23 sure.

24 Q. Do you recall on any of his other Cessna 310 training  
25 that you may have given him, was the autopilot ever used on any of

1 the approaches?

2 A. Yeah, I wanted him to know how to use that. Not all of  
3 our airplanes are capable of that, so it would have had to been  
4 the right airplane.

5 Q. So at what point were you going to remove this 400, the  
6 higher minimum guidance that you gave him? Is it like so many  
7 hours in the airplane he has to have?

8 A. I kind of went more by time, you know. If, you know, a  
9 month or two goes by, a month goes by and everything's going good  
10 and dispatch isn't having any issues or, you know, he doesn't have  
11 any questions for me, then I probably would have removed the  
12 restriction.

13 Q. Were you training any other pilots during December,  
14 aside from Mr. Andy Demos?

15 A. I'd have to look.

16 MR. GREENBLATT: Point of clarification. Did you mean  
17 in the 310 or any other aircraft in the Royal Air fleet?

18 BY MR. GALLO:

19 Q. Any other aircraft, any other pilots?

20 A. Possibly.

21 Q. So if he had these higher minimums you wanted him to  
22 follow -- well, let me just go back.

23 Why are you annotating under remarks that he did low  
24 mins demo? Is that some kind of requirement?

25 A. Well, his check ride is good for a long time.

1 Q. Um-hum.

2 A. So if I don't wait till the 6 months or whatever and go  
3 back out and do a check ride, then it would be -- I couldn't  
4 remove -- you know, it's not mandatory that they have a higher  
5 minimum; it's just something that we do to get them comfortable in  
6 the plane. So if it wasn't on there, then I can't show that he  
7 demonstrated that ability.

8 Q. Oh, okay, I see.

9 As far as his ground training, what materials did you  
10 use during the ground training?

11 A. The company ops manual, aircraft manual, the FARs. We  
12 have some advisory circulars that are available on some wind shear  
13 stuff, icing, tailplane icing. There's runway incursion stuff.  
14 There's lots of stuff in that category.

15 Q. I was looking at the company training manual. Do you  
16 ever -- do you reference that while you're training somebody?

17 A. Yes, sir. Try to.

18 Q. And did you cover with him, did you provide him  
19 instruction on stabilized approaches and illusions to flight,  
20 illusions in flight?

21 A. Yes.

22 Q. So what are the stabilized approach criteria in the 310?

23 A. I guess for me we have -- we kind of have target power  
24 settings. You should be flaps approach and gear down at the  
25 descent point, and from there it's manage the speed. But normally

1 that power setting is pretty stable and from there it's fly the  
2 airplane. So flaps approach, gear down, and whatever power  
3 setting, and there's a range.

4 Q. And can you describe what standard illusions in flight  
5 are?

6 MR. GREENBLATT: Can you be more specific with your  
7 question? I'm not sure I understand the question.

8 MR. BIRNIE: Glare, I mean --

9 BY MR. GALLO:

10 Q. Runway illusion?

11 MR. GALLO: I'll pass it off to --

12 MR. ANGLE: Can you maybe describe what types of in-  
13 flight or landing illusions that you may have trained Mr. Demos  
14 on?

15 MR. BIRNIE: Well, he was cautioned -- we've talked  
16 about the lights, you know, if you get in the lights and how that  
17 can mess with your vision, your perception and everything. You  
18 know, if you come out of the clouds right at minimums, things are  
19 happening pretty fast. I don't know what else to tell you about  
20 the illusions.

21 MR. GREENBLATT: Are you talking about the ones in the  
22 airman's information manual, empty field myopia or kinesthetic --

23 MR. GALLO: I'll have to come back and, you know,  
24 clarify the question a little better.

25 BY MR. BIRNIE:

1 Q. All right, I have one more question. I'm going to pass  
2 it off so I can get my train of thoughts together, but what are  
3 the most difficult aspects as a freight pilot for Royal Air?

4 MR. GREENBLATT: For Mr. Birnie or for other freight  
5 pilots that are employees of --

6 BY MR. GALLO:

7 Q. For Mr. Birnie and other pilots; do they -- what are the  
8 difficulties of the job?

9 A. I guess the irregularity of the schedule. I'm not  
10 trying to --

11 Q. Yeah.

12 A. I don't know what -- I mean, the irregularity of  
13 schedule, learning to sleep when you need to sleep, which is  
14 irregularity of the schedule. The weather. You need to be pretty  
15 good at the weather. You need to know your airplane. Whether  
16 those are hard for everybody or not, I don't know.

17 Sometimes your flights in a week are all in the day and  
18 the next week they might be all at night. I mean, that's a --  
19 that's a big deal. I think that's a big deal for anybody. You  
20 guys have flown and probably know that.

21 But I, as far as what's hard for each individual, maybe  
22 filing a flight plan bothers some people. I -- you know, I don't  
23 know what you -- what else I can --

24 Q. Yeah, well, I guess flying freight, I've never flown  
25 freight, so --

1           A.    Okay.

2           Q.    -- I'm just trying to understand what the difference is,  
3 you know, from something that's being scheduled to --

4           A.    Okay, okay. To me, in that aspect it's easier. You are  
5 sent somewhere to pick up said box to go to this airport; that's  
6 your mission. Either the box is there or it isn't. You usually  
7 don't have the passenger, "Oh, we forgot to call you; we're going  
8 to be 3 hours late," you know. If we get there and the freight's  
9 not there, somebody usually knows why. So as far as that goes, I  
10 think just really the biggest thing is the schedule or lack  
11 thereof.

12                   MR. GALLO: All right, I'll pass further questioning to  
13 Mr. Ron -- Mr. Barry Rogers. I'm sorry.

14                   MR. GREENBLATT: You might as well change your name.

15                   MR. ROGERS: Must be.

16                   BY MR. ROGERS:

17           Q.    Okay, well, I'm going to go back and try and get some  
18 clarification on a couple things I heard.

19                   It was mentioned that after some ground school, then  
20 there was flight training. What do you mean by some ground  
21 school?

22           A.    We integrate things as time permits. You know, if we  
23 get an airplane available and I'm available, let's say Andy was  
24 available, and maybe we're upstairs working in the bookwork but we  
25 have a chance to go fly the airplane, we may stop where we're at

1 in the bookwork and go fly the airplane. But we've covered  
2 systems, we've covered pretty much all the stuff we need on the  
3 airplane, probably still working on the regulations and all that  
4 as we go. But the flights are integrated in with the rest of the  
5 ground school.

6 Q. So a typical ground school day would be from what to  
7 what, and what subjects would you cover during that time period?

8 A. If it was basic indoc time then we'd be talking about  
9 company ops, how flights are managed, what's expected of the  
10 pilot. If it's aircraft ground then we're covering aircraft  
11 subjects.

12 Q. If you're covering aircraft subjects prior to flight  
13 training, what subjects need to be covered before you go fly? I'm  
14 trying to figure out from the time you started ground school, when  
15 was his first flight check or flight training?

16 A. His first flight was actually before we did any ground,  
17 when I took him out on the day of the interview to --

18 Q. Okay.

19 A. -- just to see how he did.

20 Q. And then when you started your formal training?

21 A. Then we worked on basic indoc stuff a lot.

22 Q. Okay.

23 A. That's where we start. And then once we get that pretty  
24 well covered, then we're into the aircraft. But if we get through  
25 the fuel system and then there's a flight to go, then we're -- you

1 know, we can work out a training flight, or Kirt had time, then  
2 maybe they'd go flying.

3 Q. Okay. I've heard fuel system mentioned a couple times.  
4 Is that a difficult subject on a 310? I don't know anything about  
5 the 310.

6 A. Not difficult, but you need to know what you're doing  
7 with the fuel system. It's like a couple other airplanes that I  
8 can think of. An MU-2, you can run it out of fuel and there's  
9 still fuel on board. A 310's the same way.

10 Q. Okay.

11 A. If you don't switch the tanks properly or -- and/or  
12 there's a boost pump issue if you're not running on the right  
13 tank. So there are times when you can only be running on certain  
14 tanks.

15 Q. Okay, so the ground school that you're giving is a  
16 formal-type thing or is it self-study? How does that --

17 A. Both.

18 Q. -- get accomplished?

19 A. Both. I mean, he had the aircraft manuals and we'd give  
20 him reading assignments and, hey, come back tomorrow and we're  
21 going to go over fuel, or we're going to go over electrical. You  
22 know, give him a chance to read through it at night or whatever,  
23 or during the day when he was in the office, or in the training  
24 room up there.

25 Q. So a typical day that you're in the office, he's -- and

1 Andy's in the office, how much time do you spend with him? Do you  
2 have other duties you have to do?

3 A. At times. But, I mean, if Andy was coming in, that's --  
4 we'd set up a time and I would try to be available without -- I'd  
5 get a phone call here and there or whatever, but I tried to be  
6 available as much as he needed me. Or if we got through a  
7 subject, then I might say, okay, read that next chapter; I'll be  
8 back in a half hour or 20 minutes and we'll discuss that.

9 Q. How do you determine when you're finished with a  
10 subject? Is there some sort of testing?

11 A. Just oral, from me, oral questioning, and we have a  
12 board, we can draw pictures. If he has a working knowledge of  
13 being able to draw a system, that's great. And -- or whatever it  
14 takes for somebody to catch on.

15 Q. So you said something about come in between 9 and 9:30  
16 to roughly 4 p.m. Would that time period be dedicated to you and  
17 Andy or whoever the person that you are instructing?

18 A. Yep, because we only had one or two people at a time  
19 that we're training.

20 Q. Now, if you have one or two people to train, do you team  
21 train them? In other words, the two of them are together?

22 A. If it were -- possibly, if it were for the same  
23 airplane. But if it's not, then we'd probably -- I mean, there's  
24 -- you're not going to teach 310 stuff to a Lear guy.

25 Q. Okay. Let me see my notes.

1           You said that, I think it was on the check ride you came  
2 back to Pontiac and had to do a missed approach because that was  
3 one of the elements?

4           A.    I think that was a -- I think that was a rejected.

5           Q.    A rejected?

6           A.    Yeah.

7           Q.    Okay.  At any time did you give him any training as far  
8 as missed approach or missed approach procedures?

9           A.    Oh, yeah.

10          Q.    What does he have to do for the missed approach as far  
11 as the aircraft; not the procedure, but he comes down to decision  
12 height, what happens?  How does he transition back into climb?  Is  
13 there something -- is there --

14          A.    Add power.

15          Q.    Okay, I mean --

16          A.    I mean, pretty typical airplane.  Add power, positive  
17 rate, gear up, enough speed, flaps up, you know.

18          Q.    Well, what kind?

19          A.    I mean, it's a sequence just like pretty much any other  
20 airplane.  I mean, the coming in they should -- they pretty well  
21 should be -- they should be set up for the go-around.  You know, I  
22 try to teach them that you always have to be ready to go around.  
23 You don't know until you're on the ground whether you're done or  
24 not.  So the airplane is already configured -- you know, you're  
25 just approach flaps until you got the runway made, but if you're

1 already at full flaps then you'd power up, flaps go to approach,  
2 and positive rate, gear up. If you didn't get that far, your  
3 flaps are already at approach. You have to know where you're at  
4 in the sequence, so it depends on when you're going around. If  
5 they tell you on a mile final, hey, we still got an airplane on  
6 the runway, that's a whole -- that's different than being at DH  
7 and going around.

8 Q. Okay. All righty. I'd like to ask a different set of  
9 questions about the high mins on the day of the accident. I  
10 assume that you were keeping track of the trend of the weather for  
11 -- to people you had out there. How did you maintain where Andy  
12 was? In other words, he was on the ground in Atlanta. How did  
13 you determine it was --

14 A. I didn't determine anything.

15 Q. Oh, you didn't -- I mean --

16 A. I don't dispatch.

17 Q. Did you know the weather or anything like that for that  
18 day, I mean, what weathers he was looking at?

19 (Whispered conversation.)

20 MR. GREENBLATT: You can ask that question.

21 MR. BIRNIE: At the time he was going to leave Atlanta  
22 to come home?

23 BY MR. ROGERS:

24 Q. Yep.

25 A. No, I did not know what the weather was at that time.

1 Q. Did you --

2 A. But dispatch should have.

3 Q. Okay. At some point during the flight did you become  
4 aware that the weather in Pontiac was going south?

5 A. Yeah, about the time he or others was to arrive.

6 Q. And how do you, as -- I assume you're in operational  
7 control over -- you know, as the chief pilot you're kind of  
8 watching over your hens. How do you determine if the weather gets  
9 too bad and you want your people to go someplace else? Is there a  
10 way of determining that? You said you had a limit on Andy at 400  
11 and 1.

12 A. That's what I would like, yes. And my understanding is  
13 the forecast when he checked and when they discussed him coming  
14 home was for 400 and 1 and, yes, it deteriorated. I -- to the  
15 best of my knowledge, the weather was at minimums for Pontiac when  
16 he was coming in.

17 Q. Which would be 200 and one-half?

18 A. And one-half is what I was understood. Somebody -- the  
19 two airplanes ahead of him got in. I was in dispatch. I came  
20 down and I asked -- you know, I kind of knew it was getting ugly  
21 out. I had been in my office. I looked outside and I went, "Oh,  
22 boy." So I went down to see who was where. They advised me that  
23 we had a Lear coming in, a Falcon, and that Andy was en route,  
24 also. And I said, "Well, where are they?" They said the Lear  
25 should be arriving any minute, which it was already on the ground,

1 and then our next airplane was Andy. But, you know, the weather  
2 was down and he was already on the approach.

3 Q. Okay.

4 A. 91, he made the decision to, to do it.

5 Q. Okay. I mean, what I was trying to lead into and just  
6 ask was if you had a higher than standard landing minimum, how do  
7 you enforce that? How do you get your pilots to comply with that?  
8 Do you have any checks or balances in that?

9 A. I mean, all I can do is tell them what I like. I mean,  
10 I'm not the pilot in command when they're flying. And I would  
11 like for them to do it but, you know, I don't know why he decided  
12 what he did. Andy wasn't -- the 400 and 1 was pretty much between  
13 dispatch and I, that where we would send him. When he left  
14 Atlanta he had, supposedly was going to be 400 and 1.

15 Q. But what do you do for a contingency if the weather, in  
16 like this case, it did go down, is there something set up between  
17 you and dispatch and whoever the crew is out there that you divert  
18 them or anything?

19 A. No.

20 MR. GREENBLATT: I'm sorry. Are you assuming there's  
21 some communication between dispatch and the pilot after he's  
22 already launched, or --

23 MR. ROGERS: Well, I know that they can contact approach  
24 and have them call the company.

25 BY MR. ROGERS:

1 Q. You do have a company radio, right?

2 A. Um-hum.

3 Q. So there are means to communicate to a pilot. I've  
4 been out on a trip in a 7-2 and was told the company called, they  
5 want you to divert to -- and, okay, so now I divert, you know.  
6 I'm just wondering if you have a contingency plan in place and if  
7 it was utilized at all.

8 MR. GREENBLATT: You can mention what you use, mentioned  
9 it to me.

10 MR. BIRNIE: When I found out where he was, he was  
11 already on the approach.

12 BY MR. ROGERS:

13 Q. Okay.

14 A. I mean, there would have been no way for us to, in a  
15 matter of 2 to 5 minutes, you know, get ahold of him and do  
16 anything. You know, I wouldn't want to contact him in the middle  
17 of an approach. I mean, I think that would be more dangerous  
18 than, you know, letting him, letting him come in and make the  
19 decision.

20 Q. Right. Okay, that's --

21 A. Does that, I mean --

22 Q. I'm trying to figure out where you were in the process  
23 of 400. I mean, when did you become aware and -- you knew that  
24 Andy was en route --

25 A. I didn't know --

1 Q. -- and the weather started going south.

2 A. I didn't know Andy was en route till they told me he  
3 should be arriving any minute.

4 Q. Okay. And the airplane he was flying -- 2-9-Gulf was  
5 the one that crashed?

6 A. Yes.

7 Q. It had an autopilot and you said could connect to the  
8 ILS?

9 A. I'm pretty sure that one did.

10 Q. Okay.

11 A. Yep. I'm trying to remember looking at the autopilot  
12 head myself, and I'm pretty sure that's the one we used to train  
13 on that a little bit, and I remember -- I'd have to go back and  
14 look at the equipment in the book, but I think it -- I'm pretty  
15 sure it did. Was he using it? I have no clue.

16 Q. So I'm trying to put things back into chronological  
17 order here. So the day that he left to come home you had no --  
18 you didn't have any contact with him prior to initiating the  
19 flight?

20 A. No.

21 Q. He would have been talking strictly with dispatch, I  
22 assume?

23 A. Correct.

24 Q. Does dispatch have the ability to tell him that the  
25 weather is not good enough for him, or just to advise him? I'm

1 trying to figure out how the 400 and 1 restriction is enforced.  
2 If you're not doing it, what does dispatch do to help him?

3 A. I guess the --

4 MR. GREENBLATT: I'm sorry, just for clarification. I  
5 know Mr. Birnie had talked about setting up this 400 and 1 --

6 MR. ROGERS: Protection.

7 MR. GREENBLATT: -- minimum informally with him and with  
8 dispatch, and that they were keeping an eye on where the  
9 airplane's going to go.

10 MR. BIRNIE: It's designed more to prevent -- you know,  
11 like if we know the weather is just terrible over there we  
12 probably wouldn't send Andy on a charter his first day out. How  
13 this, how -- the weather was supposed to be better when dispatch  
14 told him to come home, and it just wasn't. And why he continued  
15 where he did, I wish I knew.

16 BY MR. ROGERS:

17 Q. Well, we all wonder that.

18 A. Yeah.

19 Q. But the real question I'm just trying to get to is, if  
20 you have a safeguard in place for the company's protection --

21 A. Um-hum.

22 Q. -- your asset protection, your equipment, how do you  
23 activate that if -- in other words, somebody's watching the store  
24 if the weather is going south. How do you activate this and in  
25 Andy's case was it -- you know, I'm just trying to figure out what

1 could have happened that maybe did not happen.

2 A. I don't know. I don't know if dispatch got busy, wasn't  
3 paying -- I mean, they knew the weather was going down, but  
4 didn't, didn't think about Andy coming in. I don't know.

5 Q. Okay.

6 A. I just don't.

7 MR. ROGERS: Well, I've lost my train of thought at the  
8 moment.

9 MR. ANGLE: Can I ask him some questions?

10 BY MR. ANGLE:

11 Q. How many different models of Cessna 310s does Royal Air  
12 operate?

13 A. They're all the same, all 310Rs.

14 Q. Okay. Are there avionics differences between the actual  
15 aircraft that Royal Air -- the 310 aircraft that Royal Air  
16 operates?

17 A. There are differences.

18 Q. Okay. Would Mr. Demos have had flight training in each  
19 of the Cessna 310s that Royal Air operates?

20 A. I know we flew at least four of the five. I'm not sure  
21 if we flew all of them.

22 Can we back up? Did you ask me were there differences  
23 in avionics or just differences?

24 Q. Yes, differences in avionics.

25 A. Okay. As far as the avionics go, they all are Garmin

1 equipped with the same radio, same NAV/COM package. I  
2 misunderstood that. Because the differences are in autopilots and  
3 fuel system, whether they have extra fuel or not, one extra fuel  
4 or not. The differences are more in the fuel and the autopilots  
5 than the actual like NAV/COMs, because everything's been converted  
6 to the Garmins.

7 Q. Did he -- I see he took his check ride in the accident  
8 aircraft.

9 A. Correct.

10 Q. Do you recall if he had flight training in the accident  
11 aircraft?

12 A. Without looking, I do not.

13 Q. Okay.

14 A. I'm pretty sure he did, but --

15 Q. During the course of Mr. Demos's training did he receive  
16 any differences training specific to one Cessna 310 versus  
17 another?

18 A. Yes.

19 Q. During the ground training did you conduct -- did you  
20 have discussions or training sessions or -- about the procedures  
21 that he would have followed on an instrument approach reaching  
22 minimums with leading lights only in sight, versus the entire  
23 approach environment?

24 A. Yes.

25 Q. Do you understand?

1 A. Yes, I do. And yes, we did.

2 Q. During Mr. Demos's flight training, did he demonstrate  
3 an ILS to a landing and an ILS to a missed approach?

4 A. Yes.

5 Q. Okay. During his -- during Mr. Demos's flight training  
6 did he exhibit stabilized approaches during the ILS approach --

7 A. Yes.

8 Q. -- segments?

9 A. Yes.

10 Q. Okay.

11 A. Very much so.

12 Q. Were there any instrument approaches during Mr. Demos's  
13 training that where he required retraining or unsatisfactory  
14 performance during any of the instrument approach portions of the  
15 training?

16 A. No unsatisfactory. He seemed very good at what he was  
17 doing.

18 Q. Okay.

19 A. A slight bit of coaching on power settings and, you  
20 know, when to configure, but other than that he flew the airplane  
21 very well.

22 Q. Okay. During his Part 135 check ride, do you -- you did  
23 his check ride? Did you conduct the --

24 A. I did.

25 Q. -- check ride?

1 A. Yeah, I did.

2 Q. Do you recall how many ILS approaches he was tested on?

3 A. Two.

4 Q. Two. Was one to a landing?

5 A. Actually both were.

6 Q. Okay. Do you recall during the check ride, when he --  
7 when Mr. Demos was demonstrating an ILS approach, was he using his  
8 ball cap to simulate instrument conditions?

9 A. Yes.

10 Q. Okay. I just have a couple questions about the Royal  
11 Air dispatch.

12 A. Okay.

13 Q. Do they perform flight following? How do they -- how  
14 does the Royal Air dispatch perform flight following on any of  
15 your airplanes? How do they do that?

16 MR. GREENBLATT: Are you specifically talking about 135  
17 operations?

18 MR. ANGLE: Yes.

19 MR. GREENBLATT: The twin-engine piston versus the jet?

20 BY MR. ANGLE:

21 Q. Well, specifically if a 310 were to fly a trip, what  
22 would dispatch do to flight follow that aircraft?

23 A. Basically the pilot calls in --

24 Q. Okay.

25 A. -- and tells them he's leaving a departure point and

1 that he's going to the destination. Dispatch has his approximate  
2 flight times, so then they're waiting for him to make another call  
3 that he has arrived.

4 Q. Okay.

5 A. I'm sure everybody looks at Flight Tracker anymore, too.  
6 But our main function is the phone call because Flight Tracker  
7 varies -- you know, it can show you on the ground and you're not  
8 even -- you're still 10 minutes out. So they wait for the phone  
9 call that he has arrived and that everything's good.

10 Q. Okay. Would it be customary for a Cessna 310 pilot to  
11 radio dispatch prior to an arrival at Pontiac?

12 A. No, not -- no.

13 Q. Okay. This may have been asked already. I don't know  
14 if I caught it. Do you know if Mr. Demos had any radio contact  
15 with dispatch on the accident leg?

16 A. I don't know, but I don't believe so. I don't think he  
17 called in.

18 Q. Okay.

19 A. That you would have to ask them.

20 Q. Okay. And would it be customary to your knowledge if a  
21 pilot, when he calls for his departure time, when he calls  
22 dispatch to say, "I'm going to depart," would it be customary for  
23 dispatch to relay any weather information to the pilot that might  
24 be pertinent? If you know.

25 A. I'm going to say dispatch may have checked only for the

1 customer's benefit to know whether the -- but it's the pilot in  
2 command's decision on the weather. I'm not trying to --

3 Q. I understand.

4 A. But, I mean, they would probably want to know if the  
5 pilot has a chance of getting into that destination or not, but as  
6 far as advising the pilot, that's still the pilot's  
7 responsibility, the weather.

8 MR. ANGLE: Okay. That's all I have.

9 BY MR. ROGERS:

10 Q. I have another question. Can you describe a stable  
11 versus unstable approaches, what the criteria is in the 310; what  
12 would constitute a stable versus an unstable approach?

13 MR. GREENBLATT: Do you mean an aircraft generally or a  
14 310 specifically?

15 BY MR. ROGERS:

16 Q. 310 specific.

17 A. Well, stable to me, and how I teach it, is you need to  
18 be configured for the approach ahead of time. So per our training  
19 manual usually it's 3 miles outside the final approach fix your  
20 approach flaps, your power set, your speed should be within a  
21 certain range, turn final, downhill is -- if you're two engines,  
22 downhill is gear down. And that's how you shoot the approach  
23 until the runway is made, or in sight, and then you can continue  
24 to configure the airplane if you so desire.

25 Unstabilized would be not configured or too fast, I

1 mean, which would change your descent rate. I mean -- or changing  
2 speed a lot, you know. I mean, if you're set up properly when you  
3 start downhill, normally just the extension of the gear will  
4 maintain the speed that you had in the approach configuration  
5 before you started down. So there's very little to do in the 310.  
6 I mean, unstabilized is if the pilot's behind, I guess.

7 Q. And if he gets behind and is unstable, how far can he  
8 take that? I mean, what do you train him to? What do you say  
9 what's the limits?

10 A. I train him to do it stabilized.

11 Q. And if it becomes unstable, what is he supposed to do?

12 A. Continue or do a missed approach. I mean, is that --

13 Q. What do you train him -- in other words, you would --  
14 you're training him to do something. If he's doing a stable  
15 approach --

16 A. Okay. Okay. I --

17 Q. -- now it becomes unstable, you train him to take some  
18 sort of evasive action, I would assume. What do you train him to  
19 do?

20 A. Well, if he can't get it back under control, whatever  
21 that is, then he should go missed approach.

22 Q. Okay, so how far out of stable do you -- what's the  
23 parameter?

24 A. Let's back up here. Are we talking general or are we  
25 talking Andy?

1 Q. We're talking of 310, because I don't know the airplane.  
2 I mean, is there something that would jump out at you and say,  
3 whoops, go around, or is it subtle? I'm -- again, I don't know  
4 anything about a 310. I'm trying to figure out what would -- what  
5 perceptions you would have that it became unstable and what do you  
6 do in that situation?

7 A. Unstable, are we talking not on the glide slope, not on  
8 the localizer? Are we talking too fast? Are we talking too slow?  
9 I mean, add power, reduce power. If it's full scale and you miss,  
10 I, I -- that's basic pilot stuff. You know, I don't know if --

11 Q. So are there --

12 A. I mean, I --

13 Q. -- minutes that like you get a half a dot, he has to go  
14 around?

15 A. Half a dot.

16 Q. Two dots? I'm trying to figure out what you trained him  
17 to as a, you know, as an unstable condition.

18 MR. GREENBLATT: If I may?

19 MR. ROGERS: Sure.

20 MR. GREENBLATT: Because I think maybe we're talking  
21 about two different things here and that might be some of the  
22 confusion. If -- I think that Ron is probably thinking that when  
23 you're talking about unstable condition you're not just talking  
24 about losing a localizer or a glide slope, which would dictate a  
25 go around. And if that's what you mean and -- versus like an

1 unusual sink rate?

2 MR. ROGERS: Yeah, or -- I'm just trying to figure out  
3 what --

4 MR. GREENBLATT: The plane's out of configuration.

5 MR. ROGERS: -- do you train people to. You say you're  
6 training them to a stable, so you've got to have a parameter that  
7 makes it unstable. If he gets more than a certain parameter  
8 out --

9 MR. GREENBLATT: I think what Mr. Rogers is trying to  
10 say, like an unsalvageable sink rate or something that's putting  
11 the aircraft in the dangerous condition, its unstable condition,  
12 at what point do you say, "we're going to go around; this is  
13 ridiculous, you can't save it"?

14 Is that fair?

15 MR. ROGERS: That's fair.

16 MR. GREENBLATT: I guess --

17 MR. ROGERS: Again, I don't know the parameters on a  
18 310.

19 MR. GREENBLATT: But we're talking about several  
20 different situations.

21 MR. BIRNIE: Yeah, are we talking --

22 MR. GREENBLATT: So talking about what sink rate --

23 MR. BIRNIE: -- are we talking outside the marker? Are  
24 we talking inside the marker? Are we talking single engine? Are  
25 we talking two engines? There's -- I could -- there's 40

1 different things that we talk about when we're doing training.

2 MR. GREENBLATT: Bank angle, speed differences?

3 MR. BIRNIE: I mean, if anybody gets three-quarter scale  
4 or over half scale, they should go miss.

5 BY MR. ROGERS:

6 Q. All right.

7 A. I mean, if you're short final and half scale, that's a  
8 whole lot different than 3 miles, 4 miles out and half scale;  
9 agreed?

10 Q. Agreed.

11 A. Okay. So where are you at, what did you do to correct  
12 it, may mean two different things in the same approach, Barry. I  
13 mean --

14 MR. GALLO: Can I ask the next question, which may help  
15 facilitate the answer a little bit?

16 MR. BIRNIE: Okay.

17 BY MR. GALLO:

18 Q. Your flying a Cessna 310, and this goes -- what you're  
19 training pilots. What are the airspeed deviations you use to  
20 initiate a go-around, including descent rates? So, what -- is  
21 there an airspeed plus or minus in the 310 that if it goes too  
22 high, goes too low, then you execute a go-around? Same thing for  
23 descent rates. What are the values, the quantitative values that  
24 you teach? And the same thing would apply for the Falcon 20, if  
25 you could talk about the Falcon 20 also.

1           A.    Okay, I'm having a little trouble with what you want  
2 because if the airplane is configured properly, stabilized  
3 approach, the speeds are not going to change that much unless  
4 you've done something else. Too much of a descent rate the speed  
5 will go up. Okay, if you see the speed going -- normal approaches  
6 in almost any airplane are around 120 knots; fair enough? That's  
7 ballpark. For a Lear or a 310 or our Falcon, they all -- you're  
8 somewhere, 120 -- 130 to 120, 115, in that ballpark, would be  
9 something that's --

10                    In the 310, you can't go full flaps unless you're below  
11 138. So if you got above that, you're probably not going to be  
12 able to land. So you got to stay in the green arc, which is huge  
13 on that airplane, from 138 to 77 or 78 knots. So I guess it just  
14 depends on where you're at. Was it the wind shift; you've got a  
15 90-degree crosswind at altitude as you come down and you get blown  
16 off course, or did you get it back as you came across the marker?  
17 I guess I -- there are so many variables that you do have to trust  
18 that if they're out of position, localizer, glide slope, that  
19 they're going to go around. One leads to the other. You know, if  
20 you're off your speed, you're not going to hold the glide slope.

21           Q.    All right. Well, I have some additional questions, so  
22 we'll just kind of end that topic --

23           A.    Okay.

24           Q.    -- I guess.

25           MR. ROGERS: I have -- okay. I'm sorry, you're --

1 MR. GALLO: I'm going to -- I have some questions.

2 MR. ROGERS: Okay.

3 BY MR. GALLO:

4 Q. Do you provide CRM training to the pilots?

5 A. Yes.

6 Q. What materials do you use to provide CRM training?

7 A. Usually what's in the AFM for the airplane.

8 Q. Anything else?

9 A. I think -- I'd have to look through our stuff and see  
10 what all we've got.

11 Q. And during your training what do you discuss for CRM?  
12 If I was a Royal Air pilot and I just got hired and you're going  
13 to train me, what would you talk about?

14 A. What your duty position involves, whether you're the  
15 flying pilot or the nonflying pilot; how the discussions should go  
16 to -- I mean, you'd have to start with preflight, with as simple  
17 as picking up an approach, who's picking up, who's briefing, who's  
18 briefing the departure, who's talking about the airplane, who's  
19 starting the airplane, who's running the checklists, who's asking  
20 for the checklist. I mean, it would go on through the whole  
21 flight, and then it would also involve if there are issues: Who  
22 is in charge, who is going to make the decisions. I don't know, I  
23 guess pretty much everything involved with flight as far as a two-  
24 crew airplane.

25 Q. Okay. Going back to the discussion about flight

1 following, is there a difference the way things are done at Royal  
2 Air for flight following in terms of Part 91 versus 135? So, you  
3 know, you've got some ops guidance, whatever, specs on how flight  
4 followings should be conducted on a 135. If a flight's coming  
5 back empty, so it's 91, is all that not being followed, then?

6 A. Oh no, they still make the call so that we know where  
7 our airplane is.

8 Q. Now who -- do you go to outside training sources for  
9 flight training or ground training like the FlightSafety or  
10 SimuFlite?

11 A. No.

12 Q. And so Mr. Kostich and yourself are the only two 135  
13 instructors, so you essentially are training each other and  
14 checking each other out?

15 A. Well --

16 Q. Does the FAA get involved, too, with this?

17 A. Yes, I was just going to say, some of our check rides  
18 are with the FAA.

19 Q. Going back to Mr. Andy Demos, as far as his personality,  
20 did he -- was he easily agitated or would he get nervous?

21 A. I found him just the opposite.

22 Q. Very calm?

23 A. Very calm.

24 Q. Going back to my question about illusions.

25 A. Okay.

1 Q. I kind of found some verbiage I actually had -- I looked  
2 up in the training manual. Is it easier if I just give you the  
3 section --

4 A. Whatever you want to do.

5 Q. -- from the training manual? But I'm looking at --

6 A. Like spatial disorientation, and --

7 Q. Problems: no horizontal visibility, landing in reduced  
8 visibility, runway alignment, quote, "ducking under visual  
9 illusion, MDA or DH, to continue or missed approach in after  
10 acquiring a runway." So do you teach about -- let me get the  
11 correct verbiage -- illusions leading to landing errors? And are  
12 you familiar with that term? It's out of the Aeronautical  
13 Information Manual. And, for example, one would be runway width  
14 illusion.

15 A. I'm familiar with it. And then the question you asked  
16 was?

17 Q. Do you teach that, those illusions, during your ground  
18 training?

19 A. I guess I don't know if we covered that. I do know that  
20 we covered, like, if you get in the fog and then you get the  
21 lights firing up into the fog, what that can do to you.

22 Q. Okay. And then another one would be ground lighting  
23 illusion.

24 A. That's what we were talking about.

25 Q. You pretty much in your training rely on the knowledge

1 that the pilot's bringing into the company?

2 A pilot comes to work here, he should know how to do  
3 something. Are you kind of making that assumption?

4 A. We try to determine what they know and what they've  
5 learned through their experience, and what they bring with them  
6 certainly helps.

7 Q. Now, is a busier time of year during the summer for  
8 freight flying? Is there a busy season and there's kind of a less  
9 busy season?

10 A. Yeah, it varies a lot, but -- yeah, you could kind of  
11 say summer into fall is busier than, say, January and February.

12 Q. And how do you adjust your schedule to provide --  
13 there's recurrent training and initial training maybe during the  
14 busy season. Do you conduct any of that or is everything kind of  
15 tailored to an off, the off part of the season?

16 A. No, everything is pretty much based on their hire date.  
17 So when they are due for training, that's when we have that 3-  
18 month window to try and -- that we try to get everything  
19 accomplished in that window. Hopefully sooner than later.

20 Q. On the accident flight, do you know what the alternate  
21 airport was?

22 A. I do not.

23 Q. Are there occasions where you and Mr. Kostich are not at  
24 -- are both out of the office on a trip?

25 A. Yes.

1 Q. So at that point, who is exercising the operational  
2 control for Royal Air?

3 A. Well, dispatch has use of the airplanes. Depending on  
4 the time of day, I mean, the vice president is usually there, but  
5 he doesn't involve that much in the daily operations of the  
6 airplanes. And the other part of it is, but also I'm never out of  
7 touch very long, either one of us, you know.

8 Q. And that just reminded me of a question I asked  
9 previously of Mr. Kostich. What is your typical schedule like  
10 during the week and what are your duties?

11 A. My typical?

12 Q. Yes.

13 A. I usually go to the office every day. Sometimes I have  
14 chief pilot duties and sometimes I don't. I usually am there to  
15 answer questions for dispatch or the pilots or Kirt if he has  
16 something that we need to discuss. Maintenance, I deal with  
17 maintenance a little bit. I don't know if I actually have a  
18 typical day. If there's airplanes to be returned to service, I do  
19 a lot of that after it comes out of maintenance.

20 Q. So what time would you typically come into work and then  
21 what time would you leave if you were not flying?

22 A. I'm usually in around, between 9 and 9:30 in the  
23 morning, and I usually go home somewhere around 6, 6:30, depending  
24 on what's going on.

25 Q. And on the day of the accident you came in about, I

1 believe, and correct me if I'm wrong -- that's why I'm asking you  
2 -- about noon?

3 A. I came in on noon that day.

4 Q. And then you left around midnight, I think?

5 A. No, it was closer to 3 a.m. when I left the following  
6 morning.

7 Q. So you came in noon and stayed all the way till 3 a.m.  
8 Were you --

9 A. Wide awake.

10 Q. But what were you originally planning on -- when were  
11 you originally planning on going home?

12 A. I had planned on going home about 7:00, 7:30, and just  
13 had some, probably some paperwork I was finishing up. But I  
14 didn't, I didn't have any real schedule that day.

15 Q. Okay.

16 A. No flights. I actually was -- I was still meeting with  
17 Mr. Ryan at around midnight.

18 MR. GALLO: I think that's all the questions I have.

19 MR. ANGLE: That's all I have.

20 MR. GALLO: All right, well, thank you.

21 MR. GREENBLATT: Well, I have a couple questions if I  
22 could just follow up for points of clarification.

23 Mr. Birnie, you mentioned that you have this --

24 MR. GALLO: Excuse me, this is -- I can't allow you to  
25 ask questions. This is an interview. It's not like a deposition,

1 so --

2 MR. GREENBLATT: You don't want a clarification of the  
3 points that he made, if there's possible questions about the  
4 response?

5 MR. GALLO: No.

6 All right, we're all finished here. Thank you.

7 (Whereupon at 10:42 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           JANUARY 10, 2014  
                                  CESSNA 310R, N3829G,  
                                  ROYAL AIR FLIGHT 907  
                                  PONTIAC, MICHIGAN  
                                  Interview of Ron Birnie

DOCKET NUMBER:            CEN14FA110

PLACE:                      Waterford, Michigan

DATE:                        March 12, 2014

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been compared to  
the recording accomplished at the interview.

---

Kristen Shankleton  
Official Reporter

---

Marianne Kirk  
Transcriber