



National Transportation Safety Board



Inadvertent Activation of Fuel Shutoff Lever and Subsequent Ditching

Liberty Helicopters Inc., AS350 B2, N350LH
New York, New York, March 11, 2018

Operational Factors presentation

Overview

- Regulatory exception used by Liberty and NYONair
- No increased surveillance by FAA
- Inadequate policy and guidance for FAA inspectors

Regulations

- Commercial operations generally require an operating certificate
- Regulations allow exceptions to operate under Part 91
- Aerial photography flights
 - Subset of aerial work exception
 - Do not require operating certificate or LOA

FAA Legal Interpretation

- Aerial work, aerial photography not defined
- FAA legal interpretation
 - Meant for business-like, work-related operations
 - Not meant for personal, entertainment, or leisure purposes

FlyNYON-Branded Flights

- Liberty, NYONair aware of regulatory exception
- NYONair personnel advised to avoid words:
 - Air tour
 - Sightseeing
- SOPs warned personnel to vigilant for:
 - People who ask too many questions
 - FAA or anyone with a badge

FAA Oversight of Liberty

- FAA observed Liberty's FlyNYON-branded flights in October 2017
 - Discovered during routine surveillance
 - PMI said it appeared unorthodox
- POI considered only FAA-approved restraints
 - Was not compelled to look further

FAA Oversight of Liberty

Charter agreement with NYONair to operate FlyNYON-branded flights

- Significant change in Liberty's operations
- POI did not perform additional surveillance to ensure Liberty was managing risks

Summary

- FAA acknowledges limited oversight authority for Part 91 operations
- Need to define aerial work and aerial photography
- Need for better inspector guidance



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