

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: May 9, 1979

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Forwarded to:

Honorable Langhorne M. Bond  
Administrator  
Federal Aviation Administration  
Washington, D.C. 20591  
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SAFETY RECOMMENDATION(S)

A-79-31

On September 2, 1978, Antilles Air Boats, Inc., Flight 941, a Grumman G21A, crashed into the ocean while en route from St. Croix to St. Thomas, Virgin Islands. The pilot and 3 of the 10 passengers died in the accident. The National Transportation Safety Board's investigation of the accident revealed that the operator committed poor operational and maintenance practices, falsification of aircraft and aircraft component logbooks, and management practices which often condoned or encouraged the violation of Federal regulations in the interest of company requirements.

The Safety Board reviewed the Federal Aviation Administration's (FAA) surveillance and enforcement program for Antilles Air Boats, Inc., and discovered that this commuter air carrier had a history of violations and management deficiencies which were often repetitive in nature. After a June 1978 FAA special inspection, the FAA Southern Regional Counsel sent a letter to the President of Antilles Air Boats, Inc., listing 13 findings that were being evaluated by the FAA for violation proceedings. Many of the findings were similar to a March 1977 FAA surveillance investigation which concluded that "Antilles Air Boats operated unairworthy aircraft in its air taxi operation." In May 1977, the FAA stated in an enforcement letter to Antilles Air Boats, Inc., that a March 4, 1977, inspection had revealed several discrepancies and that "It appears that most of these deficiencies are similar to discrepancies noted during the last SWAP (special) inspection," which was conducted in May 1975.

The FAA Flight Standards District Office (FSDO) at San Juan, Puerto Rico, was responsible for the surveillance of Antilles Air Boats, Inc. Although the company had 3 maintenance bases, 15 to 18 aircraft, and transported about 266,000 passengers annually, only two part-time FAA inspectors were assigned to monitor the commuter air carrier's activities. While the surveillance activities of the two inspectors were conscientious and thorough, their activities were ineffective because of the amount of surveillance that was required and because their findings were not acted upon by higher levels of FAA enforcement authority. As a result, the Safety Board found corrective action by the operator was slow or nonexistent. In many cases, the deficiencies were repeated.

The Safety Board's investigation determined that when enforcement action in the form of civil penalties was recommended by the FSDO, the final settlement among the FAA Southern Region Flight Standards Division, the Regional Counsel, and the company ended in a compromise which was favorable to the company. In the past 2 years, almost every enforcement action was settled for a minimal civil penalty. After the September 2, 1978, accident, FAA Southern Region Flight Standards and Regional Counsel representatives met with the management of Antilles Air Boats, Inc., to settle five investigative reports. An agreement was reached and a \$100,000 civil penalty was levied. According to FAA correspondence, "Ten thousand is to be paid and \$90,000 will be held in abeyance, provided they (Antilles Air Boats) continue to comply with the Federal Aviation Regulations referenced in the investigative reports to the satisfaction of FAA inspectors."

The facts and history of the investigation establish that there was ample evidence over recent years to alert FAA personnel at the FSDO, Area Manager, and Southern Region offices to the problems existing with Antilles Air Boats, Inc. The results of inspections, the numbers of enforcement actions, and the accident/incident record should have demanded immediate corrective action by the FAA. Instead, the Safety Board discovered that compromises of violation action were so common that the enforcement program was rendered ineffective. In addition, there was no indication that the recurring nature of many of the violations was considered by the Regional Counsel when a compromise was considered.

In September 1972, the Safety Board adopted an Air Taxi Special Study which concluded that "The FAA surveillance and enforcement varied and in most cases was minimal due to two factors: insufficient numbers of assigned inspectors and the varied interpretations of the applicable rules." The study recommended that the FAA assign a principal inspector(s) to commuter airlines with primary duties of surveillance, and that the FAA standardize air taxi surveillance procedures. However, in several recent aircraft accident investigations, <sup>1/</sup> the Safety Board has continued to find inadequate FAA surveillance. For example, in its report of the February 10, 1978, accident involving a Columbia Pacific Airlines Beech 99 at Richland, Washington, the Safety Board concluded that "The FAA's certification and surveillance of the airline's maintenance procedures were ineffective and (the) certification and surveillance of flightcrew training in the aircraft were deficient...." On May 17, 1978,--3 1/2 months before the Antilles Air Boats, Inc., accident--the Safety Board issued Safety Recommendations A-78-37 through -41 which again addressed the issues of inadequate FAA surveillance, ineffective company management, and the need to review the maintenance programs for commuter/air taxi operators. These recommendations also applied to many circumstances existing prior to the Antilles Air Boats accident, since there had been no significant action by the FAA to implement the Safety Board's recommendations.

The Safety Board continues to be concerned with the quality of the FAA's surveillance and enforcement program for 14 CFR 135 operators. The facts revealed by our investigations and studies underline the deficiencies of the FAA's surveillance program, yet the quality and effectiveness of the program have not improved. The development of the air taxi/commuter industry demands that acceptable levels of safety be maintained. Obviously, a significant factor in this development is the role of the FAA and the enforcement of the Federal aviation regulations. We believe that the FAA must improve the structure, quality, and promptness of the 14 CFR 135 surveillance program to provide the public with the necessary assurances of air transportation safety.

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1/ "Aircraft Accident Report: Air East, Inc., B99A, Johnstown-Cambria County Airport, Johnstown, Pennsylvania, January 6, 1974" (NTSB-AAR-75-3).

"Aircraft Accident Report: Atlantic City Airlines, Inc., DHC-6, Cape May County Airport, New Jersey, December 12, 1976" (NTSB-AAR-77-12).

"Aircraft Accident Report: Alaska Aeronautical Industries, Inc., DHC-6-200, near Iliamna, Alaska, September 6, 1977" (NTSB-AAR-78-5).

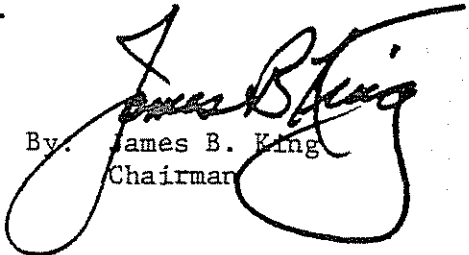
"Aircraft Accident Report: Columbia Pacific Airlines, Beech 99, Richland, Washington, February 10, 1978" (NTSB-AAR-78-15).

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

Strengthen surveillance and enforcement programs directed toward Part 135 operators to: (1) Provide adequate staffing for FAA facilities charged with surveillance of Part 135 operators; (2) assure uniform application of surveillance and enforcement procedures; and (3) upgrade enforcement procedures and actions in order to provide a viable deterrent to future violations.

(A-79-31) (Class II - Priority Action)

KING, Chairman, DRIVER, Vice Chairman, McADAMS and HOGUE, Members, concurred in the above recommendations.

  
By: James B. King  
Chairman