April 13, 2021

The Honorable Stephen Dickson
Administrator
Federal Aviation Administration
Washington, DC 20591

The attached letter from the NTSB Chairman provides information about the NTSB's March 23, 2021, report *Enhance Safety of Revenue Passenger-Carrying Operations Conducted Under Title 14 Code of Federal Regulations Part 91*, NTSB/AAR-21/03. The details of this accident investigation and the resulting safety recommendations may be found in the attached report, which can also be accessed at http://www.ntsb.gov.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate a response within 90 days of the date of this letter, detailing the actions you have taken or intend to take to implement these recommendations. When replying, please refer to the safety recommendations by number (for example, A-21-9 through -14). We encourage you to submit your response to ExecutiveSecretariat@ntsb.gov. If your reply exceeds 20 megabytes, including attachments, please e-mail us at the same address for instructions on how to send larger documents. Please do not submit both an electronic copy and a hard copy of the same response.

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National Transportation Safety Board
Washington, DC 20594

Office of the Chairman

April 13, 2021

The Honorable Stephen Dickson
Administrator
Federal Aviation Administration
Washington, DC 20591

Dear Administrator Dickson:

This letter provides information about the National Transportation Safety Board's (NTSB) March 23, 2021, report *Enhance Safety of Revenue Passenger-Carrying Operations Conducted Under Title 14 Code of Federal Regulations Part 91*, NTSB/AAR-21/03. The details of this investigation and the resulting safety recommendations may be found in the attached report, which can also be accessed at http://www.ntsb.gov.

As a result of this investigation, we identified the following safety issues:

- Need for an appropriate framework for 14 *Code of Federal Regulations* Part 91 revenue passenger-carrying operations.
- Need to identify regulatory loopholes and omissions and address them in the new framework.
- Need for increased FAA oversight.
- Need for safety management systems.

Accordingly, the NTSB makes the following safety recommendations to the FAA. Additional information regarding these recommendations can be found in the noted sections of the report.

- Develop national safety standards, or equivalent regulations, for revenue passenger carrying operations that are currently conducted under Title 14 *Code of Federal Regulations* Part 91, including, but not limited to, sightseeing flights conducted in a hot air balloon, intentional parachute jump flights, and living history flight experience and other vintage aircraft flights. These standards, or equivalent regulations, should include, at a minimum for each operation type, requirements for initial and recurrent training and maintenance and management policies and procedures. (A-21-9) (See section 2.1.)

- Identify shortcomings in Title 14 *Code of Federal Regulations* 119.1(e) that would allow revenue passenger-carrying operators to avoid stricter regulations and oversight in operations that include, but are not limited to, air combat/extreme aerobatic experience flights and tour flights operating as student instruction, nonstop commercial air tour flights operating as aerial photography flights, and

glider sightseeing flights; after these shortcomings are identified, use that information to add other types of flight operations to the national safety standards, or equivalent regulations, requested in Safety Recommendation A-21-9. (A-21-10) (See section 2.2.)

- Revise Federal Aviation Administration Order 8900.1, Flight Standards Information Management System, to include guidance for inspectors who oversee operations conducted under any of the living history flight experience exemptions to identify potential hazards and ensure that operators are appropriately managing the associated risks. (A-21-11) (See section 2.3.)

- Develop and continuously update a database that includes all of the revenue passenger carrying operators addressed in Safety Recommendations A-21-9 and -10 to facilitate oversight of these operations. (A-21-12) (See section 2.3.)

- Require safety management systems for the revenue passenger-carrying operations addressed in Safety Recommendations A-21-9 and -10. (A-21-13) (See section 2.4.)

- For the revenue passenger-carrying operations addressed in Safety Recommendations A 21-9 and -10, provide ongoing oversight of each operator's safety management system once established. (A-21-14) (See section 2.4.)

In addition, the NTSB reiterates the following recommendations to the FAA.

- Require all commercial air tour operators, regardless of their operating rule, to implement a safety management system. (A-19-28) (See section 2.4.)

- Revise Order 8900.1, Flight Standards Information Management System, to include guidance for inspectors who oversee Title 14 *Code of Federal Regulations* (*CFR*) Part 91 operations conducted under any of the 14 *CFR* 119.1(e) exceptions to identify potential hazards and ensure that operators are appropriately managing the associated risks. (A-19-30) (See section 2.3.)

In the same report, we also reiterated and classified two previously issued safety recommendations:

- Analyze your current policies, procedures, and tools for conducting oversight of commercial balloon operations in accordance with your Integrated Oversight Philosophy, taking into account the findings of this accident; based on this analysis, develop and implement more effective ways to target oversight of the operators and operations that pose the most significant safety risks to the public (A-17-45, classified "Open—Unacceptable Response" in section 2.3).

- Develop and implement national standards within Title 14 *Code of Federal Regulations* (*CFR*) Part 135, or equivalent regulations, for all air tour operations

with powered airplanes and rotorcraft to bring them under one set of standards with operations specifications, and eliminate the exception currently contained in 14 *CFR* 135.1 (A-19-31, classified "Open—Unacceptable Response" in section 2.1).

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate a response within 90 days of the date of this letter, detailing the actions you have taken or intend to take to implement these recommendations. When replying, please refer to the safety recommendations by number (Safety Recommendations A-21-9 through -14). We encourage you to submit your response to ExecutiveSecretariat@ntsb.gov. If your reply, including attachments, exceeds 20 megabytes, please e-mail us at the same address for instructions. Please do not submit both an electronic copy and a hard copy of the same response.

Sincerely,

[Original Signed]

Robert L. Sumwalt, III
Chairman

Safety Recommendation Reiteration List

SR Number	Reiteration Number	Report Number	Report Date	Accident Description	Accident City	Accident State	Accident Date
A-21-009	1	AIR-24-04	8/27/2024	Collision with Powerlines and Terrain during Forced Landing MARPAT Aviation Bell Helicopter UH-1B, N98F	Amherstdale	WV	6/22/2022