



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: August 4, 2006

In reply refer to: A-06-43

Honorable Maria Cino
Acting Secretary
Department of Transportation
400 7th Street, SW
Washington, D.C. 20590

On November 28, 2004, a Canadair, Ltd., CL-600-2A12, operated by Air Castle Corporation doing business as Global Aviation, crashed into the ground during an attempted takeoff in snowing conditions at Montrose Regional Airport, Montrose, Colorado. The captain, the flight attendant, and one passenger were killed, and the first officer and two passengers received serious injuries. The airplane was destroyed by impact forces and a postcrash fire. The on-demand charter flight was operated under the provisions of 14 *Code of Federal Regulations* (CFR) Part 135.

The National Transportation Safety Board determined that the probable cause of this accident was “the flight crew’s failure to ensure that the airplane’s wings were free of ice or snow contamination that accumulated while the airplane was on the ground, which resulted in an attempted takeoff with upper wing contamination that induced the subsequent stall and collision with the ground,” and that a factor contributing to the accident was “the pilots’ lack of experience flying during winter weather conditions.”

In the course of its investigation, the Safety Board noted other factors related to on-demand charter flight operations that, although not directly causal to this accident, nevertheless could play a role in the safety choices that passengers make. Among those factors is a general lack of transparency between the business operations and the consumers who are buying their services, hindering consumers’ ability to identify the carrier and make choices based on safety. This lack of transparency may become more critical as the popularity of these operations continues to rise.

More than 1,500 turbojet airplanes were involved in air taxi operations in 2004, accounting for approximately 20 percent of the on-demand 14 CFR Part 135 aircraft fleet, according to Federal Aviation Administration (FAA) data.¹ During the period 1999 to 2004, there were 20 on-demand Part 135 turbojet airplane accidents, accounting for less than 5 percent

¹ All estimates of fleet size and flight hours were obtained from the most recent data available (calendar year 2004) in the FAA’s *General Aviation and Air Taxi Activity and Avionics Survey*, tables 3.1 and 3.2.

of the total on-demand Part 135 accidents in those years. The FAA expects on-demand Part 135 air taxi operations to expand in the years to come, primarily due to an increase in small turbojet airplanes. According to the FAA's forecast for 2006 to 2017, these small jets could add almost 5,000 airplanes to the fleet by 2017.² The FAA expects on-demand Part 135 air taxi operations to increase approximately 3 percent a year from 2006 to 2017.

Many such operations are in fact very safe; however, some are not. Consumers of these on-demand air services have few options for distinguishing air taxis and charters that operate safely from those whose operational and maintenance programs are lacking. Adding to this difficulty for consumers is the fact that the FAA allows certificate holders to conduct operations using several business names, or "dba's" ("doing business as"). For example, according to its FAA-approved Operating Specifications, Air Castle was authorized to do business as California Airways, Global Airways, and Global Aviation. Air Castle was owned by Winfair Aviation Group, which also owned several other companies, including Hop-A-Jet which leased the accident aircraft to Air Castle. However, at least one company official reported that Air Castle was owned by a company called "Jet Alliance," and the accident aircraft was actually leased to that company.

Furthermore, air charter and air taxi operators frequently sell charter trips to other operators. Air Castle was not the original on-demand charter operator with which the passengers flight was arranged. Passengers had arranged the flight with Key Air, an operator they had used in previous charter flights. Key Air was unable to conduct the flight and sold the charter trip to Air Castle. Because of such typical charter exchanges, customers and passengers may not know the name of the air taxi operator conducting their chartered flight.

The Safety Board notes that, in accordance with 14 CFR 119.9, aircraft that are operated under the provisions of 14 CFR Part 121 and Part 135 must display the name or certificate number of the carrier that has operational control of the flight. In the case of Part 135 on-demand charter operators, compliance is typically accomplished in the form of placards displayed on and in the aircraft. However, these placards may display only the carrier's certificate number, information that does not necessarily inform passengers of the true name of the operator of the flight.

Passengers should be provided, at the time the flight is contracted, the name of the company with operational control of the flight, any "dba's" contained in the operational specifications of the company with operational control of the flight, the name(s) of the owner(s) of the aircraft, and the name(s) of the broker(s), if any. Similar rules already exist for Part 121 carriers that engage in code-sharing arrangements: the Department of Transportation (DOT) requires that those airlines must provide prospective passengers at the earliest opportunity during calls to reservation offices the name of the carrier that will actually provide the service.³ The name of the carrier must also be shown on the ticket, paper or electronic. These rules have resulted in transparency in the relationships between code-sharing Part 121 carriers, which enables customers to know in advance which company has operational control of the flight.

² *FAA Aerospace Forecast Fiscal Years 2006–2017* (Washington, DC: Federal Aviation Administration). <http://www.faa.gov/data_statistics/aviation/aerospace_forecasts/2006-2017>.

³ The rules for the disclosure of code-sharing arrangements are outlined in 14 CFR Part 257.

Providing such up-front and timely operational and brokering information to Part 135 customers will result in greater transparency in the on-demand charter industry. Transparency of operations in and of itself is not likely to prevent an accident. However, it will inform air taxi and charter consumers about who is actually providing the service they have hired, as well as afford them an opportunity to make necessary inquiries about the operator. Until this recommendation can be implemented, the Safety Board urges the DOT to encourage operators to voluntarily provide such information to customers.

Therefore, the National Transportation Safety Board recommends that the Department of Transportation:

Require that, for 14 *Code of Federal Regulations* (CFR) Part 135 on-demand air taxi flights, the following information be provided to customers and passengers at the time the flight is contracted and at any point there is a subsequent change: the name of the company with operational control of the flight, including any “doing business as” names contained in the operations specifications; the name of the aircraft owner; and the name(s) of any brokers involved in arranging the flight.
(A-06-43)

Acting Chairman ROSENKER and Members HERSMAN and HIGGINS concurred with this recommendation.

[Original Signed]

By: Mark V. Rosenker
Acting Chairman