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## VOLUME 7. INVESTIGATIONS

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### CHAPTER 1. ACCIDENT AND INCIDENT INVESTIGATION AND REPORTING

#### SECTION 1. ACCIDENT INVESTIGATIONS (PTRS CODE 1702 OR 1703)

**1. GENERAL.** This chapter contains information and guidance to be used by operations inspectors when involved with the investigation and reporting of operator accidents. This chapter supplements current FAA Order 8020.11, "Aircraft Accident and Incident Notification, Investigation, and Reporting," highlighting significant areas of FAA functions in the investigation of operator accidents. Although similar investigative techniques are used in all aircraft accident investigations, the role of the operations inspector, the level of FAA involvement, and the reporting procedures are different in air transportation investigations.

*A. NTSB Responsibility.* The National Transportation Safety Board (NTSB) is responsible for the investigation of all aircraft accidents and for the determination of the probable cause of those accidents. The NTSB does not have adequate personnel to investigate all aircraft accidents; therefore, the NTSB may delegate to the FAA the authority to partially or fully investigate an accident. For those investigations conducted jointly by the NTSB and the FAA, the NTSB appoints an investigator-in-charge (NTSB IIC) for every accident.

*B. FAA Responsibility.* The FAA is responsible for the investigation of all accidents, and must determine the facts surrounding any accident and whether any aircraft operator involved in an accident was in compliance with the regulations. For every accident which is jointly investigated, the FAA appoints an investigator-in-charge (FAA IIC) to assist the NTSB IIC and to determine the level of FAA involvement. During an accident investigation, the FAA retains authority for investigating regulatory compliance. Through signed agreements, the NTSB has agreed to keep the FAA IIC informed of all aspects of the investigation, and to make pertinent investigation records

and reports available in a timely and orderly manner. FAA Order 8020.11 prescribes the necessary process and procedures to meet this statutory requirement.

**NOTE: Inspectors are expected to be familiar with the current FAA Order 8020.11 and to have completed Part One of Aircraft Accident Investigation training before acting as an FAA IIC during accident investigations.**

*C. Other Parties.* In addition to the involvement of the NTSB and the FAA, other parties may participate in the investigation of an accident. Company safety personnel, manufacturing representatives, union representatives, and others may be on site to assist in the investigation. It is important that all personnel involved with the accident investigation be aware of the other parties and their teams in order to establish communication channels for obtaining and exchanging information.

**NOTE: When a geographic inspector is placed on an investigation team, local operator contacts and established means of communication may be limited due to the operator involvement and the establishment of formal means to communicate and obtain information concerning the accident.**

**3. ACCIDENT INVESTIGATION DIVISION, AAI-1.** The manager of the Accident Investigation Division, AAI-1, has the overall responsibility to develop FAA policy and procedural instructions for accident investigation and reporting.

*A. Notification and Coordination Procedures.* Headquarters is notified through the command centers of an accident. AAI-1 determines whether the accident is to be investigated by AAI-100 or regional flight standards division (RFSD) personnel. Once the decision had been made to send

AAI-100 personnel, the regional FAA IIC will remain on the scene to provide support and assistance until relieved by the headquarters FAA IIC.

B. *The "Go-Team."* FAA involvement with the NTSB investigations of accidents or incidents of national or international attention will normally be handled by the Washington Headquarters, AAI-100. The FAA investigator coordinates with the NTSB and other divisions within the FAA. This investigator will accompany the NTSB "Go-Team." AAI-1 is responsible for designating the FAA IIC and for determining which accidents will be investigated by AAI-100.

**5. LEGAL BASIS FOR INVESTIGATIONS.** Title VII of the Federal Aviation Act provides for FAA participation, as appropriate, in aircraft accident investigations conducted by the NTSB. Sections 313(a) and 601(b), as amended, contain the two general responsibilities of the FAA pertinent to aircraft accidents and incidents. These responsibilities are as follows:

- To ensure that all facts and circumstances leading to the accident are recorded and evaluated, and that action is taken to prevent similar accidents
- To promulgate and enforce the FAR's for certifying civil aircraft airworthiness, for certifying airmen and operators, for certifying airports used by operators utilizing aircraft with more than 30 passenger seats, and for ensuring compliance with certain safety standards

**7. FAA INVESTIGATIONS.** Depending on the occurrence, accident investigation may involve local resources, one or more RFSD's, or participation from headquarters divisions other than Flight Standards Service, including Security, Airway Facilities, Air Traffic, Aviation Medicine, Chief Counsel, Aircraft Certification, Public Affairs, or International Aviation. The responsibility for coordinating the level of FAA involvement rests with the FAA IIC.

A. *Nine Responsibilities of the FAA.* FAA Order 8020.11 lists nine specific responsibilities in all accident investigations conducted by the FAA. The FAA investigations must determine whether or not the following were a factor in the accident:

- The performance of FAA facilities or functions

- The performance of non-FAA-owned and operated air traffic control (ATC) facilities or navigational aids
- The airworthiness of FAA-certified aircraft
- The competency of FAA-certified airmen, air agencies, or operators
- The Federal Aviation Regulations (FAR's) were adequate
- The airport certification safety standards or operations were involved
- The operator/airport security standards or operations were involved
- The airman medical qualifications were involved
- There was a violation of the FAR's

B. *Parallel Investigation.* The preferred method of conducting a concurrent and parallel investigation with the NTSB is for Flight Standards Service to assign another inspector other than the FAA IIC to conduct the FAA investigation. If manpower resources do not permit another FAA inspector to conduct a separate investigation, however, then the FAA IIC will both assist the NTSB and represent the FAA.

**NOTE: No enforcement action should be initiated by the FAA until the NTSB has completed the field investigation. Exceptions can be made in the interest of safety, such as an emergency revocation of a certificate. If any action is taken, it must be coordinated with the NTSB IIC and the RFSD's.**

(1) Because of the differences in the responsibilities of the NTSB (to determine probable cause) and the FAA (to enforce compliance with regulations), administrative law rules of evidence do not allow evidence obtained by the FAA under direction of the NTSB IIC to be used by the FAA against a defendant in legal enforcement proceedings.

(2) It is important to note that, in conducting these investigations, there will be times when the flight standards district office (FSDO) needs additional information not required by the NTSB. For example, if, as the result of an

investigation, it is determined that a regulation was violated by the flightcrew, the FAA IIC is required to gather sufficient evidence to prove the allegation in court, even though the evidence might not be required by the NTSB to determine the probable cause of the accident. In gathering that evidence, the FSDO will coordinate with the NTSB IIC in a manner that does not interfere with the investigation.

(3) When FAA inspectors collect evidence for use against an airman or operator, there must be no question in the mind of the person from whom the evidence is being requested that the inspector is not working under the direction of the NTSB. For example, witness or crew-member statements should never be written on NTSB forms. The rules of evidence do not, however, prohibit FAA inspectors and NTSB investigators from gathering information simultaneously, such as when interviewing a witness, as long as the witness is aware that the information is being given to both the NTSB and to the FAA separately.

**9. PRINCIPAL INSPECTOR NOTIFICATION AND INVOLVEMENT.** Principal operations, maintenance, and avionics inspectors assigned to an operator involved in an accident must be available to the FAA IIC as soon as possible after notification of the accident. The FAA IIC is responsible for determining the extent of the principal inspector involvement with the investigation. This decision shall be made by the FAA IIC after consulting with the principal inspector, the district office manager, and/or the appropriate flight standards division manager.

**NOTE: The FAA IIC should avoid using a principal inspector for investigations involving that inspector's assigned operators, if possible.**

**11. ACCIDENT NOTIFICATION.** Normally, a FSDO is made aware of aircraft accidents through the regional operations center (ROC), however, an FAA employee who becomes aware of an accident through other means shall report the accident to the nearest air traffic facility (such as an air route traffic control center, an airport, a terminal facility, or a flight service station). This facility shall initiate FAA Form 8020-9, "Aircraft Accident/Incident Preliminary Notice" (see Appendix 3 of FAA Order 8020-11) and shall make the appropriate notifications, including one to the local ROC. The ROC shall notify the FSDO having geographic jurisdiction over the area of the

accident. Normally, the ROC will coordinate a conference telephone call between the NTSB, the FAA, and the air traffic facility initiating the notification. During this initial conversation, the FSDO inspector taking the information should do the following:

- Be prepared to copy initial information from the air traffic (AT) representative (the information to be given is on FAA Form 8020-9)
- Determine if the accident involves an operator
- Request that the ATC statements and voice tapes be prepared and sent to the FSDO

**13. INSPECTOR FUNCTIONS.** After being notified by the ROC of an accident, the FSDO in the geographic area of responsibility shall designate an inspector as the FAA IIC. The inspector may be acting in different roles and performing different functions during the course of an operator accident investigation. The inspector is usually at the scene of the accident prior to the arrival of either the NTSB or AAI-100 and should follow the guidelines in chapter 4, section 3 of current FAA Order 8020.11.

(1) *FAA IIC.* Until relieved by the NTSB or an AAI-100 specialist, the FSDO inspector shall act as the FAA IIC. The FAA IIC is normally either an aviation safety inspector (ASI) or an AAI-100 specialist assigned to supervise and coordinate all FAA participation in an accident or incident investigation conducted by the NTSB or the military services. The FAA IIC is responsible for the following:

- Assembling the team of technical specialists to conduct the investigation
- Managing all FAA resources at the scene
- Determining if FAA responsibilities were involved in the occurrence

(2) *FAA Coordinator.* This job title is used by the NTSB and the military services when referring to the FAA IIC.

(3) *FAA Participants.* FAA Participants consist of FAA personnel assigned to assist the FAA IIC and the NTSB IIC. The FAA participants report to the FAA IIC

for their group assignments under the NTSB group chairman and directly to the FAA IIC when conducting FAA investigations.

**15. AIRCRAFT ACCIDENT REPORT.** For investigations conducted by the NTSB, the FAA IIC is responsible for obtaining a copy of completed accident reports prepared by the NTSB IIC. The FAA IIC then includes any FAA attachments, except for autopsy reports (which are opinions), and completes FAA Form 8020-10 (see Appendix 2 of FAA Order 8202.11). The completed package must then be sent to at least the following offices:

- The flight standards division in the region of the occurrence
- The operator's certificate holding district office (CHDO)
- The aircraft certification directorate responsible for the aircraft type involved
- The Accident Investigation Division, AAI-200
- The Operational Systems Branch, AVN-120

**NOTE: If obtained by the FAA IIC, autopsy reports are sent (unfolded) to the NTSB IIC in an envelope marked "FOR OFFICIAL USE ONLY." These reports should be kept in a separate envelope in the office accident file.**

**17. PTRS INPUT.** The Program Tracking and Reporting Subsystem (PTRS) will be used to track FAA-conducted investigations and the activities of FAA inspectors during the course of NTSB accident investigations. Either activity code 1702 or 1703 will be used to track FAA IIC assistance, and NTSB activity code 1761 (Technical Support Function) will be used by FAA participants.

A. *NTSB-Conducted Investigations.* The inspector (FAA IIC) assisting the NTSB will open a PTRS record with activity code 1702 (Accidents On-Site) or 1703 (Other). During the course of the investigation, the PTRS record should remain open, using IV (Comments) to log inspector activities until completion of the NTSB Field investigation. This PTRS record will be closed with a "C." FAA participants of the same specialty providing investigative support will use activity code 1761 (Technical Support Functions) to record their activities. This PTRS record must be closed with a "C." Do not use an "A" to close this report.

**NOTE: The tracking field on the PTRS data sheet, for the inspectors providing technical support, will contain the activity code 1702 or 1703 to link the activity to the investigation.**

B. *FAA-Conducted Investigations.* The inspector (FAA IIC) or FSDO inspector conducting the FAA investigation will open a PTRS record with activity code 1702 (Accidents On-Site). During the course of the investigation, the PTRS record should remain open and the inspector should use Section IV (Comments) to log activities until the investigation has been concluded and the Enforcement Investigation Report has been forwarded to the region. After the investigation has been concluded, the inspector shall close the PTRS record with a "C."

(1) FAA participants providing investigative support at the accident site, will use activity code 1761 (Technical Support Functions) to record their activities. This PTRS record must be closed with a "C" at the conclusion of the support activity.

(2) FAA participants providing investigative support not at the accident site will use activity code 1703 (Accidents - Other) to record their activities. This PTRS record must be closed with a "C." Activity code 1702 must be used in the tracking field to connect the activity to the investigation.

**18. - 28. RESERVED.**

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