

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 8020.180

Effective Date:
August 28, 2009

Cancellation Date:
August 27, 2010

SUBJ: Pilot Deviations

1. Purpose of This Notice. This notice amends Federal Aviation Administration (FAA) Order JO 8020.16, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, by revising Chapter 8, Paragraph 114, Pilot Deviations. This notice is a continuation of N JO 8020.177, Air Traffic Organization Aircraft Accident and Incident Notification, Investigation, and Reporting, effective August 28, 2008. FAA Order JO 8020.16A is in the final stage of signature.

2. Audience. This order is intended for all employees that have responsibility for aircraft accident and incident notification, investigation, and reporting.

3. Where Can I Find This Notice? The notice is available on the MYFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/air_traffic/publications.

4. Procedures. Revise Chapter 8, Paragraph 114, Pilot Deviations, to read as follows:

114. **PILOT DEVIATIONS.** When it appears the actions of a pilot constitute a pilot deviation, which includes selected ARTCC electronically detected deviations (see paragraph 114l), intrusions into airspace with regulatory requirements to obtain authorization from or establish communications with air traffic control (see paragraph 114m), spillouts that resulted in a loss of standard separation (see paragraph 114n), pilot action not consistent with title 14, CFR (14 CFR), requirements (see paragraphs 114o, 114p, and 114q), and/or incidents that may be considered as reckless (see paragraph 114r):

a. Notify the pilot:

(1) Workload permitting, using the following phraseology:

PHRASEOLOGY—

(*aircraft identification*). *POSSIBLE PILOT DEVIATION. ADVISE YOU CONTACT (facility) AT (telephone number).*

(2) When workload does not permit for the immediate notification of the pilot, alternative actions should be attempted to make sure the pilot is made aware of the possible deviation. Suggestions include making the notification on the next frequency the pilot is assigned or possibly contacting the owner of the aircraft as soon as possible. Whatever alternatives are decided on, the individuals involved will use their best judgment.

b. Document the incident on FAA Form 7230-4.

c. Compile information pertinent to the incident.

Distribution: A-W-A; A-W(HL/HP/EE/ST)-2;
A-W(GC/IA/PA/AS/CS/AI/IR/FS/TA/TP/TX/NS/OP/VN)
A-X(CC/GC/IA/PA)-2; A-X(HR/CD/FS/AM/AF/AT/AS/CS)-3;
A-Y(CC/GC/PA/CS/HR)-2; A-Y(CS/HR/AY)-3;
A-Z(CC/GC/PA/CS/HR)-2; AAR-400/AAR-422; A-FOF-0(STD)

Initiated By: AJR-8
System Operations Litigation

(1) If the pilot was in radio communication with the facility, determine all conversations or contacts pertinent to the pilot deviation. Record all voice transmissions from 5 minutes before to 5 minutes after these conversations or contacts. When pertinent recorded telephone conversations (see FAAO JO 7210.3, paragraph 3-3-2d) will assist the investigation, these re-recordings must be included.

(2) If requested by System Operations Litigation, Safety Investigations and Evaluations, or regional counsel, prepare and forward a certified partial transcript of the recorded communications within 10 administrative days of the request.

(3) NTAP, Continuous Data Recording (CDR) or Airport Surface Detection Equipment, Model X (ASDE-X.)

(4) The facility filing the pilot deviation must notify other facilities that may have supporting data to ensure all involved facilities retain the original data in a file using the reporting facility's pilot deviation number. These other facilities must forward copies of the data to the reporting facility. These data may include, but not be limited to, radar data, certified audio re-recordings, NOTAMs, or personnel statements.

(5) Contact associated FCFs for supporting documentation, which may include, but not be limited to, personnel statements or audio recordings of weather briefings, filing flight plans, or control instructions. FCFs must forward copies of the data to the reporting facility.

d. Assign a unique 12-character incident report number to each pilot deviation. The incident report number to be used for tracking by the FAA is assigned as follows (see instructions on form):

(1) The first character is "P" for pilot deviation.

(2) The second and third characters are the abbreviation of the FAA region (not the Service Center) in which the deviation occurred.

(3) The fourth character identifies the type of facility completing the form.

NOTE-

For combined terminal radar approach control (TRACON) and ATCT operations use the character of the TRACON or ATCT reporting the pilot deviation.

(4) The fifth through seventh characters are the facility location identifier (e.g., ZNY) or FSDO identification code (e.g., 025). For combined TRACON and ATCT operations, use the appropriate location identifier (e.g., the O'Hare TRACON would use "C90" and the O'Hare ATCT would use "ORD"). See the latest edition of FAAO 7350.8.

(5) The eighth and ninth characters are the calendar year in which the pilot deviation occurred (e.g., 05 for 2005).

(6) The last three characters are the sequential pilot deviation number for the year by reporting facility (e.g., pilot deviations would be numbered 001 to 999 in 2005 at a given facility).

e. Complete page 1 of FAA Form 8020-17 (see appendix 1) manually or via the ATQA Web application.

(1) Provide the method by which notification of the possible deviation to the pilot (see paragraph 114a) was made. If the notification to the pilot was not provided over the frequency by air traffic control, it will be necessary to explain why.

(2) The description of the pilot deviation must include, but not be limited to, pertinent actions of the pilot(s) involved and of air traffic control services, and the pilot's or flightcrew's comments and/or concerns as reported.

f. Transmit or ensure transmittal of information from paragraph 114e, in numerical order, within four hours of the detection of a pilot deviation by:

(1) Telephone or facsimile, or send by a method following a service center agreement to the Regional Flight Standards Division and the FSDO or Certificate Holding District Office (CHDO).

(a) For air carrier and air taxis (i.e., air carrier operators certificated under 14 CFR, parts 121, 129, and 135 or air operators under part 125 and program managers of fractional ownership programs under part 91, subpart K), transmit to the CHDO.

(b) For all other pilot deviations, transmit to the FSDO with jurisdiction over the area in which the pilot deviation occurred.

NOTE-

To determine the CHDO, go to www.faa.gov; select "Licenses & Certificates"; select "Airline Certificate Information"; enter the name of the airline (a list of airlines with the Code of Federal Regulations under which the airline is flying will appear); click on the appropriate airline to find a telephone number for that airline's CHDO. System Operations Litigation will also maintain a current list of CHDOs which will be provided by the Flight Standards Service.

(2) Facsimile or NADIN message using immediate (DD) precedence to the:

(a) Director, Safety Investigations and Evaluations.

(b) The service center director.

(c) Flight Standards Service, AFS-1.

g. Immediately notify Safety Investigations and Evaluations, the service center, and the Washington Operations Center Complex through the Regional Operations Center by telephone for significant pilot deviations (e.g., involving air carriers, air taxis, or prominent persons).

h. Complete FAA Form 8020-17 using the ATQA Web application. Keep the original and distribute, following a service center agreement, one copy each, within 10 calendar days of the detection of the pilot deviation, to the following:

(1) The service center director,

(2) Regional Flight Standards Division, and

(3) FSDO or CHDO with investigative jurisdiction for the pilot deviation. Enclosures should include voice re-recordings, radar data, NOTAMs, and other pertinent data. Provide transcripts when requested by System Operations Litigation, Safety Investigations and Evaluations, or regional counsel.

i. For pilot deviations involving U.S. Army and Navy pilots, send one copy of FAA Form 8020-17 to the appropriate service center military representative and two copies to the applicable military service as follows:

(1) Army: U.S. Army Aeronautical Services Agency, Attn: Director of Policy, Plans and Programs, 9325 Gunston Road, Bldg 1466, Suite N319, Fort Belvoir, VA 22060-5582.

(2) Navy: Chief of Navy Operations (OP-885), Department of the Navy, Washington, DC 20350-2000.

j. For pilot deviations involving USAF and Coast Guard pilots, send one copy of FAA Form 8020-17 to the appropriate service center military representative and two copies to the commanding officer at the pilot's home base, if known.

k. For pilot deviations involving Coast Guard pilots whose home base is not known, send two copies of FAA Form 8020-17 to: Commandant, United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593-0001.

l. For ARTCC electronically detected deviations of more than 300 feet in which the separation between the deviating aircraft and another controlled aircraft decreases to less than 80 percent of the vertical or horizontal separation required by the latest edition of FAAO JO 7110.65, Air Traffic Control, take all actions as for a pilot deviation.

m. For airspace with a regulatory requirement to obtain authorization from or establish communications with air traffic control, take all actions as for a pilot deviation, including the following instances:

(1) Intrusions into Class A or Class B airspace without authorization.

(2) Intrusions into Class C or Class D airspace without establishing communications with air traffic control.

(3) For airports within Class E and Class G airspace with an operational control tower within four nautical miles from an airport, up to and including 2,500 feet above ground level without establishing communications with air traffic control.

n. For spillouts that resulted in a loss of standard separation, as defined by the latest edition of FAAO JO 7110.65, take all actions as for a pilot deviation.

o. For pilot action not consistent with 14 CFR requirements involving flight without authorization into prohibited areas, restricted areas, airspace areas identified as Air Defense Identification Zones, and the Washington, DC, Metropolitan Area Special Flight Rules Area, take actions as follows:

(1) Notification to the pilot will be completed following paragraph 114a.

(2) Within 15 minutes of the occurrence, notify the Domestic Events Network (DEN) air traffic security coordinator and verbally provide information pertinent to the incident.

(3) If requested by the DEN air traffic security coordinator, prepare a pilot deviation following paragraph 114. In some instances, especially involving Presidential movement, there may be little lead time in disseminating NOTAM information to the aviation community. The shortness of lead time may not relieve pilots of the responsibility for avoiding these areas or complying with flight restrictions. Aircraft that encroach on these areas are subject to being intercepted by armed military fighters as well as having a pilot deviation filed on the pilot-in-command of the aircraft.

NOTE-

This notification is in addition to reporting requirements defined in FAAO JO 7610.4, Special Operations.

p. For flight not complying with temporary flight restrictions issued under 14 CFR or Special Security Instructions issued under 14 CFR, section 99.7, that have been established at locations designated by the FAA Administrator, follow actions under paragraph 114o.

q. For pilot action not consistent with 14 CFR requirements involving other activities, including prohibited aerobatic flight and departure or landing when prohibited by 14 CFR requirements, will be treated as follows:

(1) Notification to the pilot will be completed following paragraph 114a.

(2) Compile and document the pertinent information following paragraphs 114b and 114c.

r. Flying incidents that may be considered as reckless should be treated as follows:

(1) For incidents observed by air traffic (such as low flying or buzzing aircraft), air traffic will take all actions as for a pilot deviation.

(2) For incidents reported to, but not observed by, air traffic, direct the caller to relay the information to the FSDO. For such reports, the FSDO will transmit information from paragraph 114e by NADIN message through the Regional Operations Center and complete and file FAA Form 8020-18, as specified in paragraph 114h, with the following:

(a) Regional Flight Standards Division.

(b) Acquisition and Business Services, Information Technology, and Technical Services.

s. The Office of the Chief Counsel has instructed the regional counsel offices to notify System Operations Litigation about the outcome of final enforcement actions on pilot deviations. System Operations Litigation may then notify the reporting facility through the service centers of the outcome of the enforcement action.

t. To correct an incident report number, complete FAA Form 8020-19 using the ATQA Web application to (see appendix 1). Keep the original of FAA Form 8020-19 and distribute copies by mail to all recipients of the corresponding FAA Form 8020-17 (see paragraph 114h).

u. The air traffic facility must retain the original FAA Form 8020-17 and related information in the facility's files, following paragraph 103, except the file must be labeled "PILOT DEVIATION REPORT."

5. Distribution. All Assistant Administrators, Associate Administrators, and heads of offices and services; division level in the offices of Labor and Employee Relations, Personnel, and Environment and Energy; branch level in the offices of the Chief Counsel, International Aviation, Office of Communications, Airport Safety and Standards, Civil Aviation Security, Accident Investigation, Aviation Medicine; Aircraft Certification and Flight Standards Services; Air Traffic Organization Vice Presidents, Directors, Managers, service areas, and field facilities, National Airspace System (NAS) Transition and Implementation; NAS Operations; and Aviation System Standards; regional division level in Operations Center, Regional Counsel, International Aviation Officer, and Public Affairs; regional branch level in Human Resource Management, Certification Directorates, Flight Standards, Office of Air Traffic Oversight, Aviation Medicine, Airports, and Civil Aviation Security; Aeronautical Center division level in Operations Center, Center Counsel, and Public Affairs; and branch level in Civil Aviation Security, Human Resource Management, and FAA Academy; Technical Center division level in Operations Center, Center Counsel, Public Affairs, Civil Aviation Security, and Human Resource Management.

6. Background. This notice clarifies and enhances the parameters of the data needed to take appropriate enforcement action in pilot deviations where air traffic services have been provided. The addition of CHDOs has been added which reflects the fact that certain operations make use of voluntary reporting systems in handling possible pilot deviations. In those cases, CHDOs will handle the investigations instead of the FSDOs.

7. Implementation. The contents of this notice will remain in effect until it is incorporated into FAA Order JO 8020.16A.



Nancy B. Kalinowski
Vice President, System Operations Services
Air Traffic Organization

8-27-09

Date Signed