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510

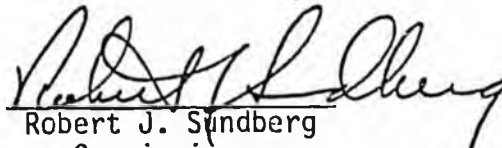
DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - PROPOSED CSHB 510 (TRSP)

Support

The Department of Public Safety supports passage of the CSHB 510 (TRSP) being proposed by the House Transportation Committee.

Currently there is no requirement for reporting state or municipally operated aircraft accidents. By enacting this legislation, the National Transportation Safety Board, at the Department's request, would investigate accidents involving state and local government operated aircraft.

By utilizing the experience and expertise provided by the NTSB in determining the cause of accidents and following up on their recommendations as to how to eliminate these causes, will be beneficial to the state by reducing the probability of aircraft accidents occurring in the future.

  
Robert J. Sundberg  
Commissioner

Position  
Paper

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

*cc*

*note factor page*

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB 510(TRSP)  
 Title: Act relating to accidents involving state & municipal aircraft  
 Sponsor: Transportation Committee  
 Requestor: House Transportation  
 Date of Request: 3/22/84

**FISCAL DETAIL**

Agency Affected: Public Safety  
 Program Category Affected: Fish & Wildlife Protection  
 BRU, Program or Subprogram(s) Affected: Fish & Wildlife

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

No fiscal impact.

**ANALYSIS: Attach a separate page for analysis**

Prepared By: Paul Conger Phone: 465-4333  
 Division: Administrative Services Date: \_\_\_\_\_

Approved by Commissioner: [Signature] Date: 3/23/84  
 Agency: Public Safety

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*Finance wishes this be prepared with to accompany bill (CSHB 510(Fin))*

*Approved by CSHB 510 (Fin)*

12/1/83

**Fiscal Note**

# Changes made in

Offered: 5/22/84  
Referred: Rules

Jud'is in

Yellow

Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 510 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to accidents involving state or municipal aircraft; and providing for an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. AS 02.15 is amended by adding a new section to read:

11

Sec. 02.15.225. ACCIDENTS INVOLVING STATE OR MUNICIPAL AIRCRAFT.

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(a) Each aircraft accident involving an aircraft operated by the state or a municipality of the state shall be reported to the National Transportation Safety Board and the Department of Public Safety by the person who

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deleted  
lang "who caused"

"(1) was in command of the aircraft at the time of the accident; or

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(2) authorized the operation of the aircraft if the person who was in command at the time of the accident is physically unable to report the accident.

(b) The Department of Public Safety shall request the National Transportation Safety Board to investigate each aircraft accident reported under (a) of this section. The Department of Public Safety shall supply information regarding the aircraft accident requested by the National Transportation Safety Board if the information is available to the Department of Public Safety.

(c) In this section "aircraft accident" means

(1) an occurrence associated with the operation of an aircraft that takes place between the time a person boards the

deleted word "flight"

1 aircraft with the intention of flying or taxiing until the time the  
2 person disembarks and in which

3 (A) a person suffers death or serious injury as a  
4 result of being in or on the aircraft, or by direct contact with  
5 the aircraft or an object attached to the aircraft; or

6 (B) the aircraft receives substantial damage;

7 (2) flight control system malfunction or failure;

8 (3) inability of a required flight crewmember to perform  
9 normal flight duties during flight or while taxiing as a result of  
10 injury or illness;

11 (4) failures of a turbine engine rotor, excluding compres-  
12 sor blades and turbine buckets;

13 (5) in-flight fire;

14 (6) aircraft collision in flight or on the ground; or

15 (7) disappearance of an aircraft believed to have been  
16 involved in an accident.

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).



# COMMITTEE REPORT

## SENATE

FURTHER:                     

Date                     

Mr. President

The Committee on LABOR COLLECTIVE BARGAINING considered SA 101234

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title \_\_\_\_\_
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Chairman

Chairman recommendation



## National Transportation Safety Board

Bureau Field Operations  
Anchorage Field Office  
701 C Street, Box 11  
Anchorage, Alaska 99513

March 1, 1984

Mark Hanley  
& Terry Martin  
Pouch V, Capitol Building  
Juneau, Alaska 99811

Dear Mr. Hanley:

Pursuant to our telephone conversation you will find enclosed a list of the particular Federal Aviation Regulation Part Number and a brief description of each which does not apply to "public use" aircraft. Particular attention must be paid to Title 14 Code of Federal Regulations Part 1, which defines "civil aircraft" and "public aircraft".

The term "civil aircraft" is strategically used throughout the regulations which allows such aircraft to perform acts without repercussion from a federal viewpoint.

As you read through the brief descriptions you will realize the magnitude of the possible ramifications should these regulations be stretched to their ultimate definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Kobelnyk".

George Kobelnyk

encls

FAR Part Nos  
Title 49, Part 830, 2 cys

Background

## FAR PART NUMBERS AND DESCRIPTIONS

- 91.3 Certificate requirements: A pilot certificate is not needed, nor an instrument rating; however, a medical certificate is required.
- 91.5 Para b,1. Preflight action - A public aircraft is not required to compute landing and takeoff distances.  
Para b,2. Does not need other reliable information such as aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.
- 91.6 Category II and III Operations  
Para a,1. Public aircraft does not need special authorizations to use category II or III operations.
- 91.7 Flight Crewmembers at Stations  
Para b. Does not need to keep the shoulder harness fastened while at this duty station.
- 91.11 Liquor and Drugs  
Para a. States civil aircraft which renders this entire part useless for public aircraft. A pilot of a public aircraft may drink and fly with less than the required eight hours; may fly while intoxicated; may fly under the influence of any drugs; be prescribed by a doctor or self prescribed, and may carry intoxicated passengers indiscriminately.
- 91.12 Carriage of narcotic drugs, marijuana, and depressants or stimulant drug substances.  
Para a. A public aircraft can carry the above listed substances indiscriminately without violating the FARs.
- 91.13 Dropping Objects.  
A public aircraft should they desire can drop objects so as to create a hazard to persons or property and not be in violation of the FARs.
- 91.14 Use of Safety Belts  
Para a, 1. Pilot-in-command does not need to ensure that each passenger was briefed on how to fasten and unfasten the seatbelt.

Para a, 2. Does not need to notify the passengers to fasten their seatbelts.

Para a, 3. Does not need to ensure that each person occupies a seat or berth with a seatbelt secured about them.

91.21 Flight Instruction - Simulated Instrument Flight and Certain Flight Test.

Para a. Under this part a public aircraft does not need dual flight controls for flight instruction.

91.23 Fuel Requirements For Flight in IFR Conditions.

Para a. Public aircraft do not need the required 45 IFR fuel reserve.

91.25 VOR Equipment Check for IFR Operations.

Para a. Public aircraft are not required to perform a VOR operational check within the preceding 30 days for a flight under IFR rules.

91.27 Civil Aircraft - Certifications Required For Public Aircraft None as the title of this Part implies.

91.29 Civil Aircraft Airworthiness

A public aircraft does not need to be in an airworthy condition as the title of this Part implies.

91.30 Inoperable Instrument And Equipment For Multi-engine Aircraft.

A public aircraft does not need an approved minimum equipment list.

91.31 Civil Aircraft Operating Limitations on Marking Requirements.

As the title implies, a public aircraft does not have to remain within the approved operating limitations or the marking requirements as outlined by the appropriate manuals.

91.32 Supplemental Oxygen

Under this part a public aircraft does not need oxygen.

91.33 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates; Instrument and Equipment Requirements.

This entire section, as the title implies, vindicates all public aircraft from its requirements. Remember that in a previous part of this regulation, public aircraft do not need an airworthiness certificate to begin with.

91.34 Category II Manual

91.51 Altitude Alerting System or Device; Turbo-jet Powered Civil Airplanes.

Again a public turbo-jet powered airplane need not comply.

91.52 Emergency Locator Transmitters

Para a. A public aircraft does not need to carry an emergency locator beacon.

All of the above parts are an interpretation of paragraphs using the term "civil aircraft" as defined in FAR Part 1, Title 14.

**DEPARTMENT OF LABOR**

DIVISION OF WORKERS' COMPENSATION

1111 WEST 8th, Rm 305  
BOX 1149  
JUNEAU, ALASKA 99802  
PHONE: (907) 465-2790

February 22, 1984

The Honorable Terry Martin  
Alaska State Representative  
Pouch V  
Juneau, AK 99811

Dear Representative Martin:

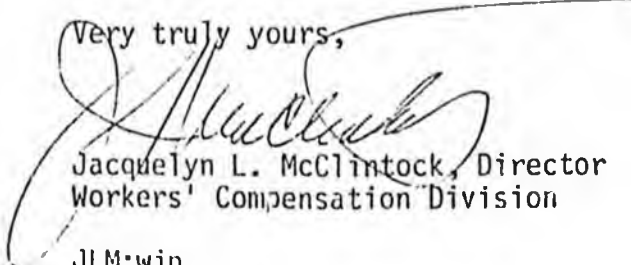
Re: Aircraft Accidents

Confirming my telephone conversation yesterday with Mark Hanley, following is the information requested by your office concerning workers' compensation claims arising from aircraft accidents:

<u>Year</u>	<u>Total Accidents</u>	<u>State of Alaska</u>	<u>Fatalities</u>
1979	83	(0)	(26)
1980	63	(2)	(14)
1981	56	(3)	(21)
1982	85	(8)	(13)
1983	47	(6)	( 2)
Total	334	(19)	(76)

Please feel free to contact me if you need further information.

Very truly yours,



Jacquelyn L. McClintock, Director  
Workers' Compensation Division

JLM:wjp

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0218)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2180

DIVISION OF RISK MANAGEMENT

February 2, 1984

The Honorable Bette M. Cato  
House Transportation Committee  
Alaska House of Representatives  
State Capitol - Pouch V  
Juneau, AK 99811

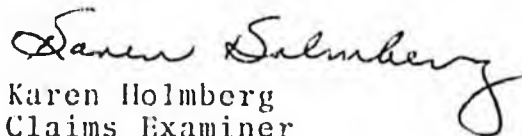
Dear Chairperson Cato:

Re: House Bill 510

In reply to your Committee's request for information regarding the number of State-owned aircraft accidents for the last five years, the following is submitted:

<u>Year</u>	<u>Total Accidents</u>	<u>Total Paid</u>
1980	0	-0-
1981	2	\$ 93,118
1982	2	34,684
1983	2	8,034
1984	<u>1</u>	<u>20,000</u>
	7	\$ 155,836

Sincerely,

  
Karen Holmberg  
Claims Examiner

cc: Rebecca Burch  
Department of Administration

# FEDERAL AVIATION REGULATIONS

## Part 1—Definitions and Abbreviations

### Table of Contents

Sec.	
1.1	GENERAL DEFINITIONS.
1.2	ABBREVIATIONS AND SYMBOLS.
1.3	RULES OF CONSTRUCTION.



about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Category":

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

"Category II operations", with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Category III operations," with respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

"Civil aircraft" means aircraft other than public aircraft.

"Class":

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

"Rated maximum continuous augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated maximum continuous power," with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

"Rated maximum continuous thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated takeoff augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over 5 minutes for takeoff operation.

"Rated takeoff power", with respect to reciprocating, turbopropeller, and turboshaft engine type certification, means the approved brake horsepower that is developed statically under standard sea level conditions, within the engine operating limitations established under Part 33, and limited in use to periods of not over 5 minutes for takeoff operation.

"Rated takeoff thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, without fluid injection and without the burning of fuel in a separate combustion chamber,

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# NATIONAL TRANSPORTATION SAFETY BOARD

## PART 730—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

### Subpart A—General

- Sec.  
830.1 Applicability.  
830.2 Definitions.

### Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- Sec.  
830.5 Immediate notification.  
830.6 Information to be given in notification.

### Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

### Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 830.15 Reports and statements to be filed.

**AUTHORITY:** Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 78 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2161 (49 U.S.C. 1901 et seq.).

### Subpart A—General

#### § 830.1 Applicability.

This part contains rules pertaining to: (a) Providing notice of and reporting aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve any aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

#### § 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

#### "Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

### Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

#### § 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine buckets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

#### § 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

### Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

#### § 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight re-

orders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airman involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

### Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

#### § 830.15 Reports and statements to be filed.

(a) **Reports.** The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 6120.1 or Board Form 6120.2<sup>1</sup> within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) **Crewmember statement.** Each crewmember, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) **Where to file the reports.** The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

**Note:** The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

<sup>1</sup> Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

<sup>2</sup> The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

From The Last Frontier

Rep. Terry Martin  
State Capitol, Pouch V  
Juneau, AK 99811