



**U.S. Department of
Transportation**

The Inspector General

Office of Inspector General
Washington, DC 20590

August 15, 2018

The Honorable Charles E. Schumer
U.S. Senator
United States Senate
Washington, DC 20510

The Honorable Kirsten E. Gillibrand
U.S. Senator
United States Senate
Washington, DC 20510

Dear Senator Schumer and Senator Gillibrand:

This provides an update on our actions in response to your letter, dated March 19, 2018, to the Department of Transportation's (DOT) Office of Inspector General (OIG) regarding the March 11, 2018, fatal Liberty Helicopters crash in New York City. In your letter, you requested that we—in consultation with the National Transportation Safety Board (NTSB)—determine how the safety restraint system used during the tragic East River helicopter crash received its original approval from the Federal Aviation Administration (FAA). Specifically, you requested that we address how FAA reviewed, tested, and approved the supplemental restraint system. Additionally, you requested that we determine the role FAA has played in ensuring helicopters in use today meet modern safety standards.

Since your letter, we have contacted NTSB about its investigation, reviewed the status of prior recommendations we have made on helicopter safety, and developed plans for reviewing additional helicopter-related issues. As you know, NTSB is leading the investigation into the Liberty Helicopters crash, which killed five passengers when they were unable to escape their supplemental restraints to evacuate the helicopter. At the time of the crash, the helicopter was equipped with both the manufacturer-installed safety restraint system—e.g., lap and shoulder belts—as well as supplemental restraints the tour operator provided to passengers.

According to NTSB, FAA did not evaluate the supplemental restraints used on the aircraft. FAA representatives involved with the investigation stated that evaluations were

not necessary because the restraints were not “required equipment.” FAA regulations¹ require that each passenger must have a lap and shoulder belt with a single-point release, and that helicopters be designed to give occupants “every reasonable chance of escaping serious injury” in a crash landing. Following an urgent safety recommendation from NTSB, FAA issued an emergency order on March 22 for doors-off flight operations for compensation or hire.² The order, highlighting that the supplemental restraints may have prevented the passengers’ rapid evacuation, prohibits the use of supplemental passenger restraint systems that cannot be released quickly in an emergency.

Following the issuance of the order, FAA now requires operators to obtain an FAA Letter of Authorization once the Agency has determined that supplemental restraints can be quickly released by a passenger and do not hinder emergency evacuations. However, the prevalence of supplemental restraints used in the helicopter air tour industry and the process FAA will use to validate the quick-release capabilities of these restraints remain unclear.

Our review of prior recommendations made to FAA for ensuring helicopters used in emergency medical services—a key segment of the industry—meet modern safety standards shows that the Agency has not yet completed all promised actions. In our review of Helicopter Emergency Medical Services (HEMS),³ we reported that FAA lacked a sufficient number of helicopter inspectors and had not updated its hiring and training programs to keep pace with critical developments in the industry, such as more sophisticated aircraft and systems. We made five recommendations aimed at improving FAA’s oversight of helicopter safety. To date, FAA has addressed four recommendations but has not yet conducted the workforce assessment we recommended. Specifically, we recommended that FAA analyze the location of inspectors, whether those inspectors have the required specialized helicopter experience, and whether inspector workload is adequately balanced between FAA oversight offices. Following through on this recommendation will help FAA to enhance its efforts to reduce the number of HEMS accidents and better position the Agency to proactively respond to new developments in the industry.

Finally, we plan to follow up on our HEMS work with a review focused on a different, but equally important, segment of the industry that relates to your concerns regarding the East River crash—FAA’s oversight of the helicopter air-tour industry. We expect to assess FAA’s safety assurance process for both operational and equipment aspects of these tours nationwide. We plan to examine how FAA is assessing the number of air-tour operators offering doors-off sightseeing trips and whether issues with supplemental safety

¹ For additional information on regulations governing restraint systems in helicopters, see 14 C.F.R. § 27.785(c), *Seats, berths, litters, safety belts, and harnesses*, and 14 C.F.R. § 27.561(b), *Emergency Landing Conditions*.

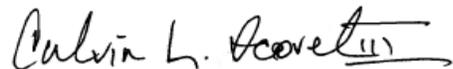
² FAA, “Doors-off” and “Open-door” Flight Prohibition. Emergency Restriction/Prohibition Order No. FAA-2018-0243, March 22, 2018.

³ *Delays in Meeting Statutory Requirements and Oversight Challenges Reduce FAA’s Opportunities To Enhance HEMS Safety* (OIG Report No. AV2015039), April 8, 2015. OIG reports are available on our website at <http://www.oig.dot.gov/>.

restraints have been addressed. We are committed to making appropriate recommendations to FAA that will improve its oversight of helicopter safety, and we will keep you apprised of the status and findings of our review.

If you have any questions or need further information, please contact me at (202) 366-1959 or Nathan Richmond, Director and Counsel for Congressional and External Affairs, at (202) 493-0422.

Sincerely,

A handwritten signature in cursive script that reads "Calvin L. Scovel III". The signature is written in black ink and includes a stylized flourish at the end.

Calvin L. Scovel III
Inspector General