

From: [REDACTED]
To: [REDACTED]
Cc:
Subject: RE: NTSB 17-087
Date: Wednesday, April 5, 2017 1:18:40 PM

Hi Aaron and Dan,

I have additional information regarding the towers on the Memphis sectional chart. Please see below.

Have a great day.

Anne

Anne Torgerson
Program Analyst
FAA
Accident Investigation Division (AVP-100)
[REDACTED]

From: Sauer Aaron [REDACTED]
Sent: Monday, March 27, 2017 9:42 AM
To: Torgerson, Anne (FAA); Bartlett Daniel
Cc: Guzzetti, Jeffrey (FAA); Sauer Aaron
Subject: RE: NTSB 17-087

Hello Anne,

Thank you once again for the responses from the FAA regarding my follow-up questions related to this investigation. Based on these responses, I again have a couple additional follow-up questions. See my questions in red below.

Please let me know if you have any questions regarding my comments/questions.

Best,

Aaron
[REDACTED]

From [REDACTED]

Sent: Wednesday, March 22, 2017 1:28 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: NTSB 17-087

Aaron and Dan,

This is in response to the latest email on NTSB Request 17-087. Please keep in mind that answers are coming from three different offices within FAA. The original set of questions was directed to the charting office (AJV-5) and the answers are from their perspective. The Obstruction and Evaluation Group (OEG) is the office that works with the sponsor/owner of a tower.

See answers below.

Regards,

Anne

Anne Torgerson
Program Analyst
FAA
Accident Investigation Division (AVP-100)
[REDACTED]

From: Sauer Aaron [REDACTED]
Sent: Tuesday, March 21, 2017 9:34 AM
To: Torgerson, Anne (FAA); Bartlett Daniel
Cc: Guzzetti, Jeffrey (FAA); Sauer Aaron
Subject: RE: NTSB 17-087

Good Morning Anne and Dan,

Thank you for your response to our questions. A few follow-up questions on my end as IIC of the accident.

1. In a previous response you indicated that the FAA has not received "confirmation" about the old tower (FCC 1047526) being dismantled yet we noted from the FCC's website that the tower was "dismantled" on August 10, 2016. Has the FAA received ANY information from the owner/sponsor regarding the tower being dismantled? Is "confirmation" different from a "notice" which was required within 5 days? Did the FAA receive the "notice" of dismantle? The first response is from the AJV-5 office. They would not know about construction of a new

tower or dismantling of an old one until OEG notifies them.

From OEG -

In the case of ASN 1995-ASW-2238-OE, the sponsor informed the FAA via supplemental notice form that the structure, built 12/26/95 was dismantled 8/10/16.

In a previous response, the FAA indicated that "At this time, FAA has not received confirmation of the dismantlement of the FCC 1047526 tower." However, the response above seems to indicate the FAA has received the supplemental notice that the structure was dismantled. Which response is correct? When was the supplemental notice received? **The OEG received a supplemental form from the owner of the tower on August 10, 2016, for the dismantling of the tower that was built in 1995. This date is after the July 21 deadline for the September chart print run.**

In the case of ASN 2015-ASW-7832-OE, the FAA determined that it would not be a hazard to navigable airspace under 14 CFR, Part 77, so long as it is marked/light with Medium-dual system with bird lighting, in accordance with Advisory Circular (AC) 70/7460-1K Change 2, *Obstruction marking and Lighting*. The sponsor indicated the structure was built on 1/2/16 and has not been dismantled.

2. Your response to the NOTAM question addresses only the strobe issue, which we have no concern. I believe Dan was asking about another NOTAM regarding the new tower's construction/different (or new) location as a hazard to navigation. Should there have been a NOTAM for the new tower prior to the release of the new sectional chart?

From OEG and NOTAMs office –

FAA requires new towers to be marked and lighted once they reach 200 feet. If the tower is not marked and lighted at the 200 foot level then a NOTAM must be issued. It is not common for NOTAMs to be issued for new towers.

3. As an extension of my #1 question(s) above, I'd like to request any information provided by the tower owner/sponsor that the FAA has in the file regarding the dismantle of the old tower (FCC 1047526) and the construction of the new tower (FCC 1297752). I'm requesting this information because it appears based on the ASR registration search (see attached) that the either the owner was delinquent in providing timely information regarding the construction of the new tower, or the FAA did not use this information for a correction/update to the current VFR sectional at the time of the accident.

OEG does notify AJV-5 of construction and dismantling of towers. AJV-5 receives updates from many sources not just OEG for making changes to sectional charts. AJV-5 has a quality control process in place to ensure the accuracy of the changes to the charts and because of that, there is a time delay.

I appreciate the response above to my question #3, but I'm still unclear on the problem with the chart revision and construction notification.

As we know from the FCC tower registration document, the new tower construction was completed in January 4, 2016, and in one of the FAA's previous responses to our NTSB inquiry regarding this issue, the FAA indicated they were notified of the new tower in November 2016, which was beyond the current sectional revision date of July 21, 2016. Based on this response, I still have concerns about the new tower not being depicted on the Sept 15, 2016, sectional chart. The construction was completed 7 months prior to cut-off date (July 2016) for sectional revisions. I do understand time delays related to quality control, etc, but 7 months seems excessive in regards to a time delay (and again, the FAA states they were not notified of the new tower until Nov. 2016). I noticed in the FCC registration that the FAA completed a "FAA Study" on this new tower with a study issue date of 10/29/2015, so I understand that to mean the FAA was aware of the pending tower construction. Can you explain this 7 month time delay for this tower not to be included in the September 2016 VFR sectional release, or the 10 month time delay in "notification"? **The owner of this new tower notified the OEG via the supplemental form about the construction on November 2, 2016. This date is long past the construction date of January 2 and well past the July 21 cutoff date for the September chart. The information on the supplemental form submitted in November was not completely correct so another supplemental form was submitted in February 2017 to correct the wrong information. OEG was aware of the tower because of the study back in October 2015 and the sponsor is to notify the OEG within 5 days of construction and that did not happen in this case. Once the OEG has the information for constructing or dismantling a tower then that information is passed onto AJV-5.**

If you have any questions or do not understand my questions above, [REDACTED]
[REDACTED] for further clarification.

Regards,

Aaron M. Sauer
Sr. Air Safety Investigator
NTSB
[REDACTED]

From: [REDACTED]
Sent: Monday, March 20, 2017 1:56 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: NTSB 17-087

Hi Dan,

Here is the additional information that you have requested.

1. How does the FAA obtain the information of a tower construction/dismantle? (We were able to

identify the process via an internet search yet the response provided that the FAA was still waiting for data).

The FAA obtains notification of a tower construction and dismantling from the owner/sponsor of the tower. 14 CFR, §77.11 *Supplemental notice requirements*, requires owners to notify the FAA "(c) if you abandon a construction or alternation proposal that requires supplemental notice..." and "(d) if the construction or alternation is dismantled or destroyed, you must submit notice to the FAA within 5 days after...".

2. The issues raised were a result of a fatal accident yet I don't get a sense of timely corrective action. Would NOTAM have been appropriate? (There was a NOTAM for an inop strobe light, it seems a NOTAM would be appropriate for a hazard to navigation).

There was a NOTAM for ASR 1297752, issued starting on January 25 at 1314 UTC and cancelled on February 9, 2017 at 1314 UTC. Latitude and longitude are given plus the distance of 5.4 nautical miles from RFI which is the loc ID of Rusk County Airport. Copy attached.

As a condition of the FAA's determination - Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately so a Notice to Airmen (NOTAM) can be issued.

Most but not all towers are monitored by different monitoring companies that have access to a software program that automatically input a NOTAM proposal when one of their monitored towers has a light outage. This NOTAM proposal then goes through the system, and then gets issued with a NOTAM number and is distributed nationwide under the location ID of the airport of which it is near. If the tower is not monitored automatically, then the outage is called in to the Flight Service Station to be issued as a NOTAM.

Every new tower above 200 feet typically gets this treatment.

3. Is the office responsible for having oversight for this issue AJV-5? (We would like to cite the appropriate office or code in our investigation).

AJV-5 is responsible for charting and production of the charts.

OEG is the office responsible for tower construction and dismantle.

Regards,



Anne Torgerson

Program Analyst

FAA

Accident Investigation Division (AVP-100)

From: Bartlett Daniel [REDACTED]
Sent: Tuesday, March 07, 2017 1:14 PM
To: Torgerson, Anne (FAA)
Cc: Guzzetti, Jeffrey (FAA); Sauer Aaron
Subject: RE: NTSB 17-087

Anne,

Thank you

Dan

From: [REDACTED]
Sent: Tuesday, March 07, 2017 12:58 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: NTSB 17-087

Hi Dan,

I have forwarded the additional questions to the SME. Once I have the answers I will forward them to you.

Regards,

Anne

Anne Torgerson
Program Analyst
FAA

Accident Investigation Division (AVP-100)

From: Bartlett Daniel [REDACTED]
Sent: Monday, March 06, 2017 4:05 PM
To: Torgerson, Anne (FAA)
Cc: Guzzetti, Jeffrey (FAA); Sauer Aaron
Subject: RE: NTSB 17-087

Hello Anne,

I would like to follow up with the response provided to our query.

How does the FAA obtain the information of a tower construction/dismantle? (We were able to identify the process via an internet search yet the response provided that the FAA was still waiting for data).

The issues raised were a result of a fatal accident yet I don't get a sense of timely corrective action. Would NOTAM have been appropriate? (There was a NOTAM for an inop strobe light, it seems a NOTAM would be appropriate for a hazard to navigation).

Is the office responsible for having oversight for this issue AJV-5? (We would like to cite the appropriate office or code in our investigation).

Thank you

Dan

From: [REDACTED]
Sent: Monday, March 06, 2017 11:48 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: NTSB 17-087

Hi Dan,

Here is the response to NTSB Request 17-087 on the Memphis VFR sectional.

Information on the current validation process for VFR sectionals in general and the Memphis VFR sectional specifically.

The FAA continually receives data from a large variety of sources. The data changes are analyzed and processed until the information cutoff date (56 days prior to the chart effective data) for the upcoming edition of the chart. Established ISO certified quality control checks are performed on each chart prior to the chart's printing to ensure the accuracy of the product. The consolidated changes are then sent to a contractor for printing and distribution.

Information/data validating the preliminary findings that the recent Memphis VFR sectional depicting this tower is in fact in error.

The evaluation of the chart information associated with this incident focused on the depiction of tower information in the vicinity of Price, Texas located on the Memphis VFR Sectional Chart. The depiction of the tower information in the vicinity of this incident, on the September 15, 2016 edition, is correct according to data that was available to FAA for publication.

The edition of the Memphis Sectional Chart that is associated with this incident was published for an effective date of September 15, 2016 through March 30, 2017. This chart includes the aeronautical data available by July 21, 2016, including a tower (referenced as FCC Registration Number 1047526), depicted approximately one mile southwest of Price, and directly south of Route 13.

After the September 2016 publication of the Memphis VFR sectional chart, FAA was notified in November 2016 of a new tower (referenced as FCC Registration Number 1297752 associated with this incident) located approximately one half mile north of the original tower depicted on the chart. Obstacle data for both towers will be applied in the next publication of this chart. At this time, FAA has not received confirmation of the dismantlement of the FCC 1047526 tower.

Information/confirmation that this specific issue is being/has been corrected.

VFR Sectional charts are published on a six month cycle. The March 30, 2017 edition of this chart will depict tower information according to obstacle data available as of February 2, 2017. This includes the tower associated to FCC Registration Numbers 1047526 and 1297752.

Regards,



Anne Torgerson
Program Analyst
FAA
Accident Investigation Division (AVP-100)
[REDACTED]

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