



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

November 19, 2015

Group Chairman's Factual Report

AIR TRAFFIC CONTROL

ERA15FA313

AIRCRAFT ACCIDENT

Location: Hicksville, New York
Date: August 16, 2015
Time: 0747 eastern daylight time (EDT) / 1147 coordinated universal time (UTC)¹
Aircraft: N5946C, Beech BE-35

¹All times are expressed in eastern daylight time (EDT) unless otherwise noted.

AIR TRAFFIC CONTROL GROUP

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SUMMARY

On August 16, 2015, about 0747 eastern daylight time (EDT), a Beech C35, N5946C, collided with a railroad grade crossing cantilever arm and terrain during a forced landing at Hicksville, New York. The commercial pilot was fatally injured and one passenger received serious injuries. The airplane was destroyed by impact forces and a post-crash fire. The airplane was registered to and operated by the pilot under the provisions of 14 Code of Federal Regulations Part 135 as an on demand air taxi flight. Day visual meteorological conditions prevailed. No flight plan was filed. The flight originated from the Francis S. Gabreski Airport (FOK), Westhampton Beach, New York, and was destined for Morristown Municipal Airport (MMU), Morristown, New Jersey.

According to information obtained from the FAA, the airplane was at 6,500 feet above mean sea level (msl), on a westerly heading, and about 8 nautical miles (nm) northwest of Republic Airport, (FRG) Farmingdale, New York, when the airplane initially climbed about 200 feet, followed by a gradual descent. The pilot then reported that he was “having a little bit of a problem here and I think I’m going to have to return to FRG”” The pilot then reported that he would have to “take it down...” The controller provided the relative locations of La Guardia and John F. Kennedy airports, and stated that Westchester airport was to the north and FRG was to the southeast. The pilot responded that FRG was the closest airport to his location. The pilot then said that he would not make it to FRG. The controller then provided information on the Bethpage landing strip and informed the pilot that the airport was closed; however, there was still a runway there. . The airplane was then observed tracking toward the Bethpage area while descending. The next several transmissions between the controller and pilot revealed that the pilot was unable to see the runway, while the controller continued to provide heading and distance to the Bethpage runway. Radar and radio contact were eventually lost and emergency responders were notified of the accident. (See figure 1.)

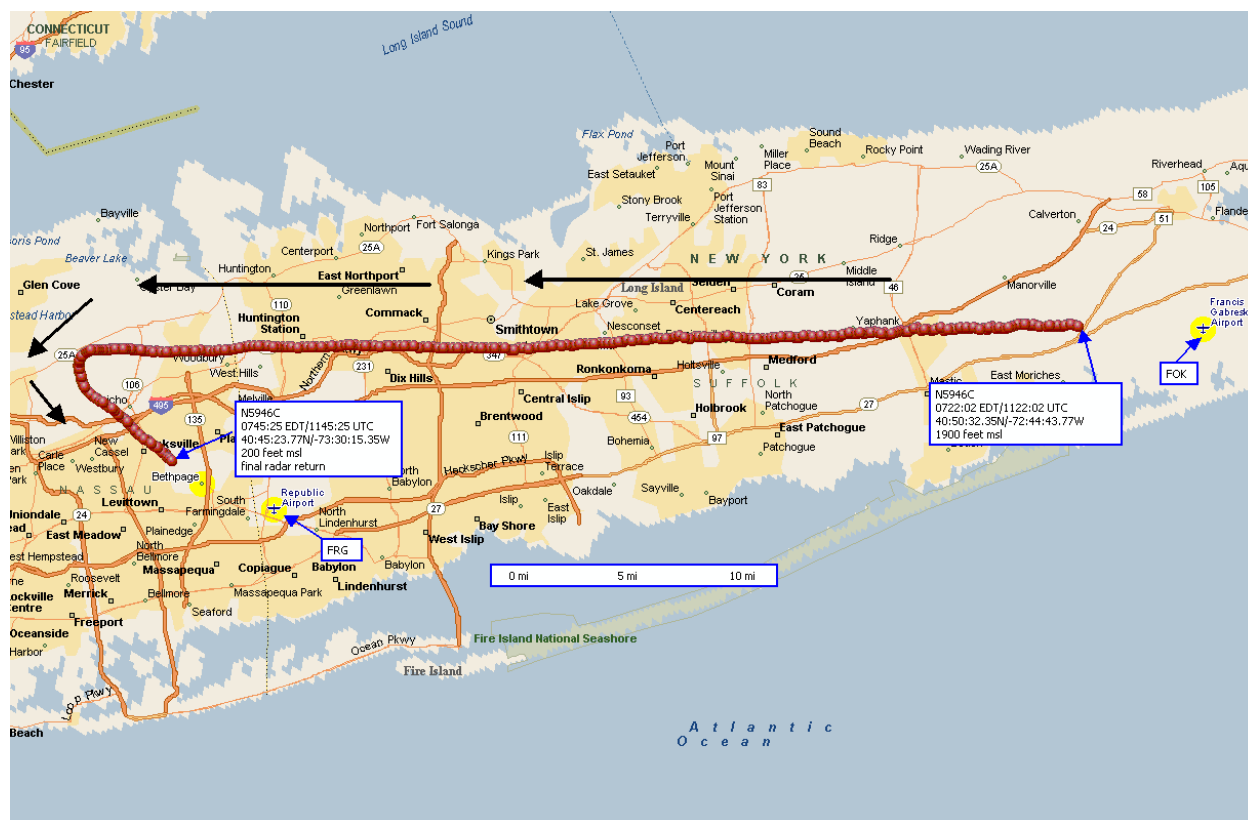


Figure 1 – The radar flight track of N5946C is indicated by red dots. Aircraft direction of travel is indicated by the black arrows. FOK, FRG, and Bethpage are highlighted in bright yellow.

An examination of the former Bethpage Airport facility revealed that industrial buildings occupied the former runway surface area and the physical runway was no longer in existence. The accident site was about 0.25 nm northwest of the where the runway approach end used to exist.

DETAILS OF THE INVESTIGATION

The group convened at the New York terminal radar approach control (TRACON/N90) facility located in Westbury, New York, on September 2, 2015, to review data and interview the controllers and staff about the incident. The group met with and was provided an in-brief by N90 staff and Mr. Mark Guiod, the N90 air traffic manager (ATM).

After an uneventful departure from FOK, N5946C was radar identified by the N90 Islip area controller, assigned a mode 3 transponder code of 4356, and, after receiving radar services from the N90 Kennedy area controller, was transferred to the N90 LGA area controller. The LGA area controller had assigned the pilot a radar vector of 360 degrees just before the pilot stated that he was having difficulty. After the pilot determined that he wanted to land at FRG, the controller provided distance and heading information to Bethpage, an alternate airport depicted on his radar video map (RVM) presentation 3 miles northwest of FRG and closer to the aircraft. Although

Bethpage was still shown on the radar map, the airport had been closed for a number of years and the runway area was occupied by buildings. The RVM depicted an airport that no longer existed. See figures 2 through 5.



Figure 2 – An undated photograph of the Bethpage airport from the 1940s. The accident site of N5946C was near the top center of this photograph.



Figure 3 – A southeast aerial view of the closed Bethpage airport in 1997.



Figure 4 – A present day southeast view of where the runway used to exist. This photograph was taken in August 2015. The accident site of N5946C was near the lower left corner of this photograph.



Figure 5 – Radar presentation of N5946C as seen by the N90 LGA area controller. The RVM for Bethpage and FRG are indicated by green arrows.

Bethpage was removed from FAA sectional charts in October 2012. Bethpage airport data was removed from the N90 airport display automation database before 2001, but the exact date was unknown. There were no known or reported equipment discrepancies related to N90 RVMs.

Research revealed that the FAA did not require periodic review of RVMs such as the RVM that depicted the Bethpage airport on the controller's radar presentation. The only periodic review requirement for RVMs, as defined in FAA Order 7210.3, *Facility Operation and Administration*, was a biennial review of emergency obstruction video maps (EOVM).

Immediate steps were taken locally and nationally to address the RVM periodic review issue. Locally, N90 management issued a memorandum informing the air traffic controller workforce that there was no airport associated with Bethpage. Corrected RVMs, removing the Bethpage airport symbol, were installed at N90 on the evening of September 3, 2015.

Nationally, the FAA Vice President of Air Traffic Services issued a memorandum dated September 1, 2015, requiring all terminal air traffic facilities to immediately review all RVMs and EOVMs to ensure only operational airports were depicted, and to check all RVM files for airport information accuracy and existence. This review was to be completed by October 15, 2015. The memorandum did not indicate a pending amendment to FAAO 7210.3 regarding RVM review periodicity.

The Air Traffic and Terminal Products team within the FAA Aeronautical Information Services directorate was directed to review all RVM and EOVM charts in the national airspace system, with the Core 30 Airports² as the first priority. The plan included the development of automation to assist with the review of an estimated 10,500 additional RVM files.

1. History of Flight

N5946C departed FOK at approximately 0720 under visual flight rules (VFR) and checked in with the N90 Islip departure controller passing through 1300 feet msl 2 miles east of FOK. The pilot requested to climb to 6500 feet msl and transition the New York Class B airspace-en route to MMU. The Islip radar identified N5946C at 1500 feet msl and directed the pilot to squawk mode 3 transponder code of 4356. The N90 Islip controller transferred N5946C to the N90 Kennedy departure controller at 0730. N5946C was traveling at 140 knots ground speed at 6500 feet msl.

The pilot checked in with the Kennedy departure controller and reiterated his request for a clearance through the New York Class B airspace. The Kennedy departure controller cleared N5946C through the Bravo airspace and directed the pilot to maintain 6500 feet msl. The controller issued the John F. Kennedy International Airport (JFK) altimeter of 30.13 inches of mercury. The pilot acknowledged. At 0738, the Kennedy departure controller transferred N5946C to the N90 LaGuardia (LGA) departure controller.

N5946C checked in with the LGA departure controller at 6500 feet msl and was issued the La Guardia airport altimeter of 30.11 inches of mercury. The pilot acknowledged the altimeter. Approximately 10 seconds later, N5946C began a slight ascent to 6600 feet msl while groundspeed started to decrease. The pilot did not report any difficulty to air traffic control, and the controller did not ask the pilot about the change in the flight profile. At 0740, the LGA departure controller directed N5946C to turn right heading 360 degrees. N5946C was traveling at 60 knots at 5700 feet msl. The pilot responded that he was having a little bit of a problem and was considering diverting to FRG. The LGA departure controller acknowledged that N5946C was having some difficulty and asked the pilot to keep him informed of the developing situation and any needed assistance. At 0740:30, the pilot advised that he was going to have to, "take it down and uh the closest spot." The LGA departure controller provided the pilot with relative

² Core 30 airports - These are airports in major U.S. metropolitan areas with the highest volume of traffic.

locations of LGA, JFK, FRG, and Westchester County Airport (HPN), White Plains, New York, and told the pilot that he could go anywhere he wanted to go. At 0740:54, the pilot advised that FRG was the closest airport, but that he was not going to make it to FRG. The pilot asked the controller to verify that FRG was the closest airport. N5946C had started a left turn to the southeast, descending out of 4400 feet msl at 70 knots groundspeed.

At 0741:15, the LGA departure controller asked the pilot to verify he was going to FRG. The pilot responded that he did not know if he could make FRG, and again asked the controller to verify that FRG was the closest airport. The controller advised that there was a landing strip at the Bethpage airport at the pilot's ten o'clock position at 5 miles, and that the pilot might want to try that airport. The controller advised the pilot that he was just about lined up for the extended centerline. The pilot acknowledged, but part of the acknowledgement was unreadable. Thirty seconds later, at 0742:09, the pilot asked the controller to provide information on the location of the landing strip. The controller advised that the landing strip was at the pilot's twelve o'clock position at 4 miles and the pilot was set up right on the extended centerline for the runway. At 0742:50, the LGA departure controller advised the pilot that FRG was 3 miles southeast of Bethpage in the event that the pilot wanted to go to FRG. The pilot responded that he was losing altitude and was doing the best he could do altitude-wise.

At 0743:37, the pilot asked for the location of the airport and said he was not seeing it. The controller responded that there was a strip at the pilot's twelve o'clock position at 3 miles, and FRG was at the pilot's ten o'clock position at 6 miles. The pilot responded that he was not going to make six miles to FRG. At 0744, the LGA departure controller advised N5946C that the strip was a closed airport and the Bethpage runway was at the pilot's eleven o'clock position and about a mile and a half. Thirty seconds later the pilot told the controller that "you've got to give me a little bit of a heading on that if you would." The controller advised that the runway was about 10 degrees to the right and added that there was also a parkway nearby. The pilot asked the controller, "and FRG I got 3 miles right?" The controller responded that FRG was at the pilot's eleven o'clock position and 5 miles. The pilot stated that there was no way he was going to make it to FRG and asked the controller to, "show me this strip again if you would I'm sorry." The controller responded that the Bethpage landing strip was at the pilot's one o'clock position at less than one mile, and that it was a closed airport, and that he had no information about the airport. See figure 6.

There were no further communications with N5946C.

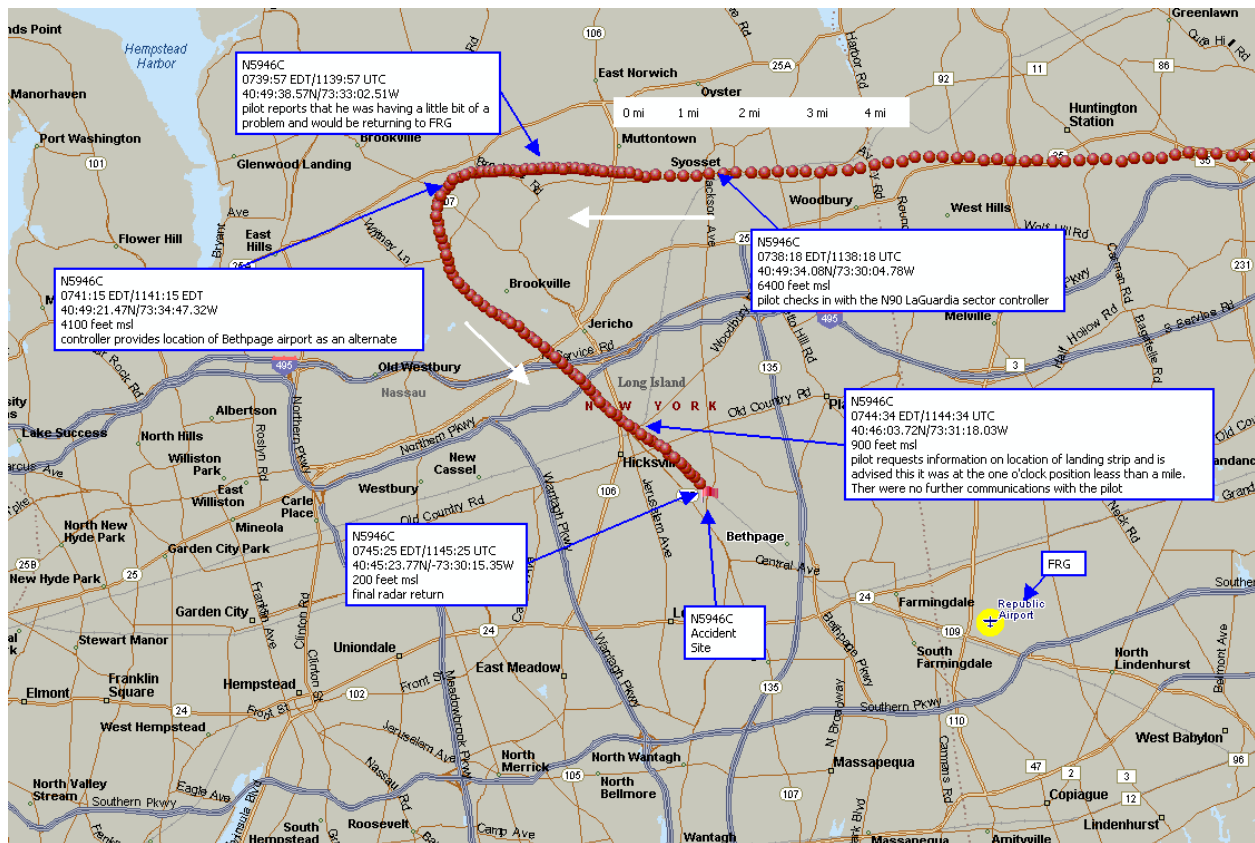


Figure 6 – The radar flight track of N5946C is indicated by red dots. The direction of flight is indicated by white arrows. The accident site is indicated by a red flag. The Republic airport (FRG) is highlighted with a bright yellow circle.

2. Weather Information

The 0653 Aviation Routine Weather Report (METAR) observation for FRG was wind calm, visibility 10 statute miles. Temperature 24 degrees Celsius (C), dew point 20 degrees C, altimeter 30.11 inches of mercury.

3. Air Traffic Control

The N90 LGA area controller, working the Harp, Nobbie, Nyack and LGA departure positions combined, was being supervised by the LGA area controller-in-charge (CIC) at the time of the accident. The CIC had relieved the LGA area front line manager (FLM), who was on a break during the accident sequence and out of the facility. The operations manager (OM) was providing overall supervision for the N90 operating floor.

The flight of N5946C had been uneventful when the pilot checked in with the LGA controller at 0738 at 6500 feet. Shortly thereafter, the radar track of N5946C indicated a decrease of groundspeed from 140 knots to 100 knots and a slight ascent to 6600 feet, followed by a slow descent. The LGA controller observed the descent and directed the pilot to turn right heading 360 degrees to prevent N5946C from descending into the LGA departure corridor. The controller did

not solicit information from the pilot about the reason for the descent. Immediately following the direction to turn right heading 360, the pilot stated that he was having a little bit of a problem and had to return to FRG, although the flight did not originate at FRG. The LGA controller advised the CIC that he thought N5946C had a problem. At that time, the LGA controller and CIC considered N5946C to be an emergency.

3.1 Air Traffic Control Transcript

The following transcript captures communications between the LGA controller and N5946C:

<u>Time</u>	<u>Source</u>	<u>Communication</u>
07:38:18	N5946C	New York November five nine four six charlie six point five
07:39:29	N90	bonanza five niner four six charlie new York departure la guardia altimeter three zero one one
	N5946C	three zero one one
07:39:57	N90	November four six charlie, turn right heading three six zero
	N5946C	okay, four six charlie I'm having a little bit of a problem here uh sir I think I'm going to have to return to Farmingdale well give me a second if I may
07:40:09	N90	four six charlie sure just uh let me know what ya un what ya need
	N5946C	affirmative
07:40:24	N90	four six charlie if ya can keep me in the loop uh let me know what's going on and any assistance you need
07:40:30	N5946C	five niner four six charlie I'm gonna have to take it down and uh the closest spot (unintelligible)
	N90	four six charlie roger La Guardia airport is at your twelve o'clock and about twelve miles, Kennedy ten o'clock and about twelve miles, uh Westchester is to the north and Farmingdale is to the southeast. You can go anywhere you like just let me know what you need and what you need to do
07:40:54	N5946C	ok Farmingdale is the closest airport uh nine miles ok I'm not going to make Farmingdale, well let's just (unintelligible)
07:41:15	N90	four six charlie you going back to Farmingdale you said
	N5946C	Yeah I don't know if I can make Farmingdale, give me the closest one, Farmingdale is the closest is that correct?"
	N90	Yes sir there is uh uh a strip about your ten o'clock and five miles uh Beth Page airport there if you want to try that one we could do that too"
07:41:59	N90	four six charlie the uh Beth Page strip again ten o'clock four miles you're just about lined up on the extended centerline
07:42:09	N5946C	[unintelligible] four six charlie
07:42:35	N5946C	four six charlie give me that strip again please
	N90	about twelve o'clock and uh four miles now it looks like you are set up right on the extended centerline for the runway there
07:42:50	N90	Farmingdale airports about 3 miles southeast of there if you want

		to go into Farmingdale
	N5946C	I'm losing altitude this is the best I can do altitude wise
	N90	ok
07:43:47	N5946C	four six charlie give me this [unintelligible] again please I'm not seeing it
	N90	uh there's a strip right about your twelve o'clock and three miles it's the Beth Page strip right there and again Farmingdale is about ten o'clock and six
	N5946C	yea I'm not making six
07:44:00	N90	four six charlie the strip is uh a closed airport I just know there is a runway there about eleven o'clock and about a mile and half now
07:44:34	N5946C	uh four six charlie you've got to give me a little bit of a heading on that if you would
	N90	four six charlie about un ten more degrees to the right but uh if you need to there's a [unintelligible] parkway right there uh to the parkway"
	N5946C	and Farmingdale I got three miles right
	N90	uh Farmingdale's about eleven o'clock and five miles
	N5946C	ok no way I'm going to make that um show me this strip again if you would I'm sorry
	N90	the strip is ah the strip is about one o'clock less than a mile it's a closed airport I have no information about it unfortunately
07:45:38	N90	November four six charlie radar contact lost uh three miles northwest of Farmingdale airport

3.2 Emergency Handling

As the situation was developing, N5946C was in the N90 Kennedy sector airspace but being worked by the LGA area controller because control of the aircraft had already been transferred to the LGA area by the Kennedy area controller. When providing ATC service to an aircraft in another controller's area of jurisdiction, any deviation from the expected flight path must be coordinated with the controller responsible for the airspace the aircraft is operating in. Accordingly, the CIC walked over to coordinate with the Kennedy area controller to advise of a potential deviation from the anticipated flight path of N5946C and then to the Islip area controller to redirect other traffic away from the LGA controller. This coordination with the other radar sectors reduced the workload of the LGA controller and allowed him to focus his efforts on N5946C.

The pilot did not declare an emergency, and the controller did not request information regarding the nature of his difficulty or solicit information normally associated with emergency handling. The controller had the option to annotate the radar data block of N5946C with the letter "E" to indicate an emergency. This would have alerted all the controllers on the sectors that could see the aircraft's data block that an emergency was in progress, but the controller said it did not occur to him to do so.

The LGA controller was assisted by the CIC and the OM, who both stood behind the LGA controller as the situation progressed. The OM advised the LGA controller that Bethpage was

closed and suggested alternate landing areas such as the nearby parkways. After the LGA controller lost radar contact with N5946C, he was relieved from the position.

It was not immediately known that N5946C had crashed. The LGA controller assumed that the aircraft had landed at Bethpage. A controller from the Kennedy area called FRG tower and asked them to be on the lookout for N5946C. They reported seeing a smoke plume in the vicinity of Bethpage and called 911. The OM called the Nassau County Police Department Aviation Unit, which happened to be based at Bethpage.³ They were able to respond immediately to the accident site but could not confirm the burning aircraft's tail number. Once identification of the accident aircraft was confirmed, the OM called the flight service station (FSS) to get information from the flight plan about how many people were on board the aircraft and the departure airport. According to the FSS, no flight plan had been filed. The OM initially assumed the aircraft had departed FRG, but was able to determine the departure airport was FOK by talking to the controllers from the Islip and Kennedy areas.

3.3 Display Bearing/Range to Nearest Emergency Airport/Heliport

As the situation continued, the LGA controller requested information on the Bethpage airport by slewing his cursor to the emergency aircraft's radar target and entering *1 via the controller keyboard, referred to as a "splat 1" entry.⁴ This automation function displayed bearing, range and airport information for the closest emergency airport or heliport. The numerals 1-4 represented the category of aircraft or helicopter experiencing the emergency. For example, the accident aircraft, a BE35, was a category 1 aircraft; therefore a *1 would be the appropriate query and the information displayed would be for an airport that could support a category 1 aircraft. A *3 query would apply to a category 3 aircraft such as a Boeing 737, and information provided would be for an airport capable of supporting a Boeing 737. A *4 would be used to identify landing areas or heliports able to support a helicopter landing.

When the controller queried the radar target associated with N5946C via a splat 1 keystroke sequence, the aircraft was near the depicted Bethpage airport. However, the query returned information for FRG. There was no data in the system for Bethpage. The LGA controller did not recall when, during the developing situation, he performed the splat 1 keystroke function. Recorded keyboard entries indicated a *1 function was initiated in the vicinity of N5946C at 0742:08 and again at 0743:59.

3.4 Radar Video Map (RVM)

Although there was geographic overlap between the radar maps used by the LGA, Kennedy, and Islip areas, the information on each area's maps was inconsistent. Bethpage was depicted on the LGA RVM, but not on the Islip RVM. FRG was depicted on the Islip, Kennedy, and LaGuardia RVMs, but the symbology used was different. The N90 ATC standard operating procedure (SOP) manual depicted the RVMs for the Islip, Kennedy and LaGuardia areas individually. The LGA section of the SOP showed Bethpage as an airport, but the Islip and Kennedy sections did

³ Although the Bethpage runway was removed, the county police maintain a heliport at the old airport site.

⁴ The purpose of this function is to provide the controller with information about the closest airport suitable for use by the affected aircraft. Because the controller believed Bethpage to be active, he expected to receive information about Bethpage, not FRG.

not. The data provided in the SOP did not correlate with the actual radar presentation the controllers were using. At the time of the accident, the LGA controller was using radar map number N90-3100C, which was included in N90 system adaptation on December 20, 2013.

Air Traffic Controller Interviews

3.1.1 Brian Twomey – Front Line Manager (FLM)

The group interviewed Mr. Twomey on September 2, 2015. Mr. Twomey was represented by Mr. Andrew Dilk from the FAA Office of the Chief Counsel, AGC-420. In response to questions presented by the group Mr. Twomey provided the following information:

Mr. Twomey was working at N90 as the LaGuardia (LGA) sector FLM on the day of the accident. Mr. Twomey was on a break and was not in the facility at the time of the accident. By the time he returned to the radar room the accident was a known event with one fatality and one survivor. The controller working the accident, Mr. Shanahan, had been relieved by the time Mr. Twomey returned to the radar room.

Mr. Twomey began his career with the FAA in December of 1984 at the FAA Academy. He had been a controller at Danbury air traffic control tower from 1985 to 1990. He had been a controller and FLM at N90 from 1990 to present. He had been a LaGuardia (LGA) sector FLM since 2005. He was qualified and current on all positions in the LGA sector, with a requirement to maintain currency by working at least one hour per month on each position. Mr. Twomey's ATC medical clearance was current with no waivers or restrictions, and his operating initials were BT.

Mr. Twomey held a commercial pilot's license with multi-engine and instrument ratings, but was not current.

On average, Mr. Twomey had worked six days a week since April of 2015 as there were only two qualified FLMs in the LGA area. However, three FLMs were in training. Mr. Twomey pointed out that to be qualified as an FLM at N90, a person had to qualify on all positions in the area. Mr. Twomey stated that overall facility staffing was short and there was a standing controller bid open for N90 with permanent change of station funding available for controllers willing to transfer. He was not sure how many controllers trying to get certified at N90 completed the process, but said that controller retention was improving.

Mr. Twomey stated that as a result of this accident he had evaluated the radar video maps in the LGA sector and was fairly confident that the LGA area RVMs accurately depicted only operational airports.

Mr. Twomey said the post-accident activities were largely resolved by the time he returned to the radar room from his break. Before going on break he was relieved by Mr. Riordan, who took over area supervision as the area controller-in-charge. Mr. Twomey advised Mr. Riordan that he was leaving the facility. By the time he returned to the radar room, it had already been determined that there was one fatality and one survivor and the controller working the accident,

Mr. Shanahan, had been relieved and left the radar room. Mr. Twomey did not know if he had been paged while he was on break, but he assumed he had been. The OM, Mr. LaFleur, handled all required notifications and external communications so there was nothing for Mr. Twomey to do.

Mr. Twomey had been Mr. Shanahan's supervisor for 4 years. Mr. Twomey had not communicated with Mr. Shanahan since the accident on August 16.

3.1.2 Vincent Riordan – CIC

The group interviewed Mr. Riordan on September 2, 2015. Mr. Riordan was represented by Mr. Kevin Maney, N90 NATCA representative. In response to questions presented by the group, Mr. Riordan provided the following information:

Mr. Riordan was working the LGA CIC position at the time of the accident. He was not plugged in to any positions but was monitoring the area from the supervisor's desk.

Mr. Riordan began his career with the FAA in July 2002 at the FAA academy and had worked at N90 from October 2002 to present. He was qualified on all positions in the LGA area, a LGA area CIC, and an on-the-job-training-instructor (OJTI). His ATC medical clearance was current with a medical waiver. His operating initials were VR. Mr. Riordan was not sure who his supervisor was.

Mr. Riordan's work schedule consisted of a week of evening shifts and a week of day shifts, with a midnight shift usually assigned at the end of the day shift week. His work schedule during the week ending August 16 was a regular day off (RDO) on Monday Tuesday; overtime from 1500 to 2300, Wednesday and Thursday from 1500 to 2300, Friday from 1300 to 2100 and Saturday and Sunday from 0700 to 1500. Mr. Riordan had been working six day weeks for as long as he could recall, specifically during the summer, spring and fall. Winter traffic allowed for some relief from the six day work weeks. In addition to the six day work weeks, he worked an occasional 10 hour day every other week and had the opportunity to work a 10 hour day every day.

Describing the accident sequence, Mr. Riordan stated that he was working the CIC position from the supervisor's desk after relieving the FLM, who had gone on break. According to Mr. Riordan, the FLM did not advise that he was leaving the building. Mr. Shanahan, the CPC providing ATC services to the accident aircraft, was working the LGA Harp/Nyack/Nobbi area radar positions combined with LGA departure. He was in the process of splitting off the LGA departure position when Mr. Shanahan advised Mr. Riordan that the accident aircraft had a problem. Mr. Riordan went to the Kennedy area and advised them of the problem because the accident aircraft was in the Kennedy area airspace. The LGA controller, Mr. Shanahan, was working the aircraft because it was a VFR overflight that would transit a relatively small area of Kennedy airspace before proceeding into LGA airspace en route to Morristown. This was a common practice for VFR overflight traffic.

After advising the Kennedy area controller of the potential situation, Mr. Riordan returned to the LGA area and noticed that the Newark area controller was attempting to handoff overflight traffic to Mr. Shanahan. Mr. Riordan went to the Newark area and directed that the overflight handoffs be given to the LGA departure controller to better allow Mr. Shanahan to focus on the developing situation.

After coordinating with the Newark area controller, Mr. Riordan returned to the LGA area and was advised by Mr. Shanahan that the accident pilot wanted to go to FRG. Mr. Riordan advised the Kennedy area controller that the aircraft was going to Farmingdale, which was in the Kennedy area's airspace. He returned to the LGA area and observed that the accident aircraft had turned southeast bound. Mr. Riordan briefed the OM, who was located on the far side of the supervisor's platform away from the LGA area, that N5946C had a problem. Mr. Riordan then returned to the LGA area and overheard someone say "he's going in," referring to N5946C. Mr. Riordan went back to the Kennedy area to advise that the aircraft "was going in" and returned to the LGA area. The other LGA area controllers were aware of the developing situation and someone yelled out, "Wantaugh and Seaford-Oyster Bay Expressway," suggesting two multi-lane roads near Bethpage as possible divert landing areas for the accident aircraft. Mr. Riordan was standing behind Mr. Shanahan when Mr. Shanahan advised N5946C that radar contact had been lost 3 miles northwest of the Farmingdale airport. No emergency was declared. Mr. Riordan directed that Mr. Shanahan be relieved from the position as he was visibly shaken.

Mr. Riordan stated that there was a communication line available to coordinate between the areas, but he considered it faster and clearer to proceed to the different areas and physically point out the aircraft to other controllers.

Mr. Riordan did not know that the aircraft had crashed at the time. He learned of the accident only after a controller from the Kennedy area that had been on break announced that he had heard on his police scanner that an aircraft had crashed in the vicinity of N5946C's last radar return. Mr. Riordan attempted to page the FLM without success. He was surprised that the FLM did not respond, as the FLM rarely left the building. Mr. Riordan was not aware of what actions the OM took after it was known that the aircraft had crashed. According to Mr. Riordan, the OM did not actively assist with the developing accident situation other than the required notifications.

Mr. Riordan would have considered this an emergency as soon as the pilot of the accident aircraft advised that he could not make it to Farmingdale. However, he noted that every situation was unique and it was up to the controller working the aircraft to make a determination of when an event constituted an emergency. According to Mr. Riordan, an emergency declaration in this case would not have changed how ATC services were provided to N5946C.

3.1.3 Mike Shanahan – Certified Professional Controller (CPC)

Mr. Shanahan, the CPC providing ATC services to the accident aircraft, had been on Office of Workers' Compensation Program (OWCP) sick leave since August 16. He did not wish to return to the facility for an interview. The ATC group interviewed Mr. Shanahan on September 3, 2015, at the New York Flight Standards District Office in Westbury, New York. Mr. Shanahan was

represented by Mr. Kevin Maney, N90 NATCA representative. In response to questions presented by the group, Mr. Shanahan provided the following information:

On August 16, Mr. Shanahan was working the Harp, Nobbie, Nyack and LGA departure positions combined. He provided ATC services to N5946C just before the aircraft accident.

Mr. Shanahan began his career with the FAA in December 2008 at the FAA Academy. He started working at N90 in March of 2009 and had worked at N90 since then. He was qualified on all positions in the LGA area and was an OJTI. His ATC medical clearance was current with a requirement to wear corrective lenses when providing ATC services. He was wearing corrective lenses on August 16. His supervisor since 2009 had been Brain Twomey. His operating initials were MT.

He had not communicated with his supervisor or anyone from management since the accident other than to advise his supervisor of medical information related to his sick leave.

Mr. Shanahan's work schedule for the week of August 16 started on Friday, August 14, from 1500 to 2300, Saturday, August 15, from 1500 to 2300 and Sunday August 16, from 0730 to 1530. He had been on Office of Workers' Compensation Program (OWCP) sick leave since August 16. His normal work schedule varied, but he had been working 6 day weeks and an occasional 10 hour shift twice a month. His normal RDO's were Wednesday and Thursday; however, he typically worked Wednesdays as overtime.

When asked to describe the accident, Mr. Shanahan stated that N5946C was flying VFR from the Islip area to the Kennedy area to the LGA area, and checked in at 6500 feet. The aircraft was technically in Kennedy area airspace, but the aircraft had been transferred to the LGA area with the understanding that the aircraft was going to enter LGA airspace. This was a common practice for VFR overflight traffic through the area. As the aircraft proceeded westbound it began descending without a clearance, so Mr. Shanahan instructed the pilot to fly north to avoid the LGA departure area. Immediately afterward, the pilot advised he had a problem. Mr. Shanahan considered the aircraft to be an emergency, but did not ask the pilot if he was declaring an emergency. He did not recall if he advised the CIC that the aircraft was an emergency, although it was handled as an emergency.

The aircraft continued to descend and the pilot advised that he intended to go to FRG. Mr. Shanahan advised him of other airports nearby and the pilot advised he could not make it to FRG. Mr. Shanahan provided information on Bethpage based entirely on the RVM displaying the Bethpage airport. Mr. Shanahan knew the airport was closed but was confident that a runway/landing strip was present because of the video map presentation. Mr. Shanahan attempted to get additional information regarding Bethpage by typing a radar console key stroke sequence including the asterisk key followed by the numeral 1 (known as a "splat 1" entry) and hitting "enter" near the aircraft target's position on the radar presentation. When he performed the "splat 1" function, the system returned airport information for FRG. Mr. Shanahan did not recall when in the accident sequence he attempted to obtain airport information for Bethpage.

Mr. Shanahan stated that he had ample assistance from other controllers observing the situation from behind his control position.

Mr. Shanahan lost radar contact on N5946C and was relieved from position shortly thereafter at the direction of the CIC.

About an hour later, Mr. Shanahan was advised by the CIC that N5946C had crashed, and it was about another hour later when he learned that there was a fatality and a survivor.

3.1.4 Ben LaFleur – Operations Manager in Charge (OMIC)

The group interviewed Mr. LaFleur on September 4, 2015. Mr. LaFleur was represented by Mr. Andrew Dilk from the FAA Office of the Chief Counsel, AGC-420. In response to questions presented by the group Mr. LaFleur provided the following information:

Mr. LaFleur started his career with the FAA in July 1987 at the FAA academy and began working at N90 in November of 1987. He has worked at N90 since. He was a Liberty area controller from 1987 to 1994. He worked in quality assurance from 1994 to 1998 and a FLM for the Liberty area from 1998 to 2005. He had been a Newark area OM from 2005 to present. He had no position currency or medical requirements. His supervisor was Mark Guidod. His operating initials were LB.

Mr. LaFleur's work week consisted of a 5 day work week with RDOs on Saturday and Sunday. As one of 5 OMs assigned to N90, his work schedule varied to allow for leave and other staffing contingencies. Mr. LaFleur worked an overtime 6 day week approximately twice a year.

Mr. LaFleur was working at the OM desk finishing paperwork and coordinating with N90 technical operations staff when the LGA area CIC advised that he had an aircraft in distress. Mr. LaFleur identified the aircraft on the supervisor radar console and was then advised by the CIC that he did not think the aircraft was going to make it to FRG. Mr. LaFleur went to the LGA position and observed the operation from behind to avoid crowding the controller. He advised the controller that Bethpage was closed and that he didn't know what was there. He also advised the controller that there were alternate landing areas such as parkways nearby. After the controller lost radar contact, the CIC and Mr. LaFleur agreed that the controller should be relieved from the position and that was accomplished.

At that point, no one knew what had happened to the aircraft. A controller from the Kennedy area called FRG and asked them to keep an eye out for the aircraft. They reported observing a smoke plume and called 911. Mr. LaFleur called the Nassau County Police Department Aviation Unit located at Bethpage and reported a possible downed aircraft. They responded to the accident site immediately and advised Mr. LaFleur that they could not confirm the tail number because of the fire at the crash site. Mr. LaFleur called New York Center to have them issue an alert notice and attempted to gather information on the accident aircraft. He first called FSS and was advised that no flight plan was on file. Mr. LaFleur was able to track the aircraft back through the Kennedy and Islip areas to determine that the aircraft had departed FOK.

The LGA FLM had gone on break 5 or 6 minutes before the accident but Mr. LaFleur did not recall his saying that he was leaving the facility. By the time Mr. LaFleur would have paged the FLM to come back, the FLM had already returned.

After the accident, Mr. Shanahan stayed in the NATCA office. Mr. LaFleur discussed bringing in the critical response team for controller counseling but determined it was not necessary. During the post-accident services rendered telephone conference, FAA management decided that there was no need to subject Mr. Shanahan to drug testing.

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AS-30