

WPR22FA068

AIR TRAFFIC CONTROL

Group Chair's Factual Report - Attachment 3
Interview Summaries and Transcript

Interviewee: Robert Hurlbert (RH)
Representative: Christopher Marovich

Date/Time: January 19, 2022 / 1315 Pacific standard time (PST)
Location: Gillespie Field Airport (SEE)
Present: Mike Richards - NTSB; Warren Abrams - NTSB; Takashi Nelson - FAA (final portion of interview only); Dan Carrico - NATCA
Investigator: Brian Soper - NTSB

During the interview, Mr. Hurlbert was asked a series of questions by the group, and below is a summary of the questions asked (Q) and answers provided (A):

Q: What was your age on the day of the accident?

A: 42.

Q: What are your operating initials?

A: RH.

Q: What is your title?

A: Certified Professional Controller.

Q: Do you have any military or pre-FAA ATC work experience?

A: No.

Q: Do you hold any collateral duties, or have you been on any recent details?

A: No.

Q: Could you please describe briefly, your ATC/aviation background?

A: Prior to being employed by the FAA he flew with Horizon Air for about 4.5 years, and before that flew with AIRPAC. He held a CFI/CFII and multi-engine commercial ratings and was not current.

Q: In the terms of Excellent, Good, Fair, Poor; how would you describe your overall health?

A: Excellent.

Q: Did you have a current medical clearance certificate on the day of the accident?

A: Yes.

Q: Do you have any waivers, restrictions, or limitations to your medical clearance?

A: He had a requirement to wear corrective lenses and stated that he was wearing them at the time of the accident.

Q: Were you taking any prescription or non-prescription medications on the day of the accident?

A: No.

Q: Was drug/alcohol screening performed following the accident?

A: No.

Q: Any major changes in your health over the last year?

A: No.

Q: Any major changes in your personal life over the last year?

A: No.

Q: Any major changes in your financial situation over the last year?

A: No.

Q: In the 72 hours immediately preceding the time of the accident, how was your rest, eating, and daily activities?

A: Normal daily routine, including sleep, meals, and activity.

Q: Did you file an ATSAP¹ as a result of this event?

A: Yes.

Q: Have you been interviewed about this event prior to this interview?

A: No.

Q: Have you had an opportunity to review a replay of the event?

A: Yes - Audio only.

Q: Was a relief briefing conducted when you assumed the LC position?

A: Yes; with a checklist and recorded.

Q: On a scale of 1-5, 5 being the heaviest, how would you classify the traffic volume at the time of the accident?

A: 1 - which he considered normal for that time of day.

Q: On a scale of 1-5, 5 being the most complex, how would you classify the traffic complexity at the time of the accident?

A: 1 - which he considered normal for that time of day.

Q: Were there any distractions at or leading up to the time of the accident?

A: No.

Q: Do you recall the general weather conditions at or leading up to the time of the accident?

A: Visibility three miles with mist and a broken ceiling of 2,000 feet. Trending weather had been generally rain and clouds all day.

Q: Did you receive the pre-duty weather briefing on the day of the accident?

A: Yes - but could not recall anything specific, and nothing stood out. He did find the briefs valuable in general.

¹ ATSAP - The FAA's voluntary safety reporting program for ATC personnel based on the Aviation Safety Action Program (ASAP) model. A defined partnership model where safety issues are resolved through corrective action rather than through punishment or discipline. The program includes collection, analysis, and retention of safety data reviewed and acted upon by the FAA and NATCA.

Q: Did you have a cellular phone or personal electronic device on you at the time of the accident?

A: No.

Q: Had you requested a relief or assistance leading up to the time of the event?

A: No.

Q: Could you please take a few minutes to explain with the greatest detail possible, your recollection of the sequence of events related to this accident?

A: N880Z first checked in well north of the field on the RNAV/GPS RWY 17 approach between ASIXY [Intermediate Fix] and JUGAL [Final Approach Fix]. He issued the winds and cleared him to land on RWY 17. When N880Z was about one mile north of the field, the pilot requested RWY 27R and canceled his IFR². He confirmed the IFR cancellation and instructed the pilot to overfly the field and make left traffic to RWY 27R then cleared him to land RWY 27R. He noted nothing remarkable about the flight until the pilot's final transmission immediately before observing the explosion when the airplane impacted the ground. He was able to maintain visual contact with N880Z as he overflew the airport and entered a left downwind but lost sight of the aircraft just prior to impact. It was all very quick.

Q: Did anything seem odd as N880Z overflew the field?

A: No, he said that he was "blown away" when the pilot keyed up at the end.

Q: Do you remember what altitude he was at as he overflew the airport?

A: Not exactly, but it appeared safe and did not stand out like the pilot was going to crash the airplane.

Q: What was your expectation of what the pilot would do when canceling IFR and transitioning VFR³ to another runway?

A: The pilot was calling the shots with altitude, speed, and course, and he felt that he was just providing sequence to the runway.

Q: Were you performing LAWRS⁴ weather augmentation that evening?

A: No, the other person in the cab was responsible for reporting the weather.

² IFR – Instrument Flight Rules [ICAO]- A set of rules governing the conduct of flight under instrument meteorological conditions.

³ VFR – Visual Flight Rules – Rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, it is used by pilots and controllers to indicate type of flight plan.

⁴ LAWRS – Limited Aviation Weather Reporting Station – An airport weather station that utilized various degrees of automated sensors and/or other automated equipment (ie; AWOS) and is often augmented/backed up by certified tower weather observers at these locations.

Q: Who was that?

A: He could not remember, there were three people in the tower that night; himself, the controller in-charge (CIC) and another controller that was on break. The ground controller (GC)/CIC would be the person to do all of the weather updates.

Q: Are you LAWRS certified?

A: Yes.

Q: How is this job performed on regular basis, how do you monitor the weather when you're responsible for it?

A: There was no system to "log into", he just took the position and monitored the weather information that was available in the cab and by looking out the window. The AWOS⁵ provided the wind, altimeter, dew point, and ceiling. The other wind indicators in the tower provided the wind only. They were required to take one weather observation per hour at a minimum which was done between 45 minutes past and the top of the hour.

Q: In what situations might you do more observations?

A: There was a list of requirements when they were required to issue more, i.e., wind shifts, changes in ceiling height, visibility, thunderstorms, squall lines, tornados, waterspouts, or cloud layers below 1,000 feet that were not previously reported.

Q: How would you know if conditions existed that would require the issuance of a SPECI⁶?

A: Just engagement, looking out the windows and monitoring the weather equipment in the cab.

Q: Is there an audible alert that lets you know there is something new or changed?

A: There was no audible alert.

Q: If there is inconsistency between what's observed out the window and what's reported on AWOS - what takes priority? Which do you weight more heavily?

A: What he observed out the window took priority if he noticed a large disparity. What he seen out the window was weighted more.

Q: One of your tower visibility markers is Mt. Helix, which I think is about three and one half to four miles away, did you see it that night?

A: He could not recall.

⁵ AWOS - Automated Weather Observing System is equipped with meteorological instruments to observe and report temperature, dewpoint, wind speed and direction, visibility, cloud coverage and ceiling up to 12,000 feet, and altimeter setting.

⁶ SPECI - Special Weather Report - An unscheduled report taken when weather conditions meet specified criteria, are observed during the period between regular hourly reports. A SPECI is used as soon as possible after the relevant criteria is observed.

Q: So, N880Z was coming in from the north, overflying the airport - was his altitude low, on point, or what you would expect?

A: It did not look alarming, he watched him overfly then turn, it was different based on the type aircraft.

Q: Did he fly behind the twin peaks or above?

A: Seeing at night would be difficult to ascertain whether he was behind or in front - it all escalated quickly in a matter of seconds.

Q: I'm sorry, I meant to ask earlier - are you okay?

A: The first few days he was okay, and it was starting to get better, but then heard the NTSB was coming.

Q: I know you said you recalled the weather was three miles and 2,000 feet broken; do you recall if it was raining?

A: He did not recall.

Q: N880Z was coming from the north and was initially cleared for the RNAV/GPS RY 17 approach. Did you expect he was going to land on RWY 17?

A: Yes. "why not?" - he issued him a clearance and he accepted it.

Q: How do you handle LAWRS duties when you are responsible for augmenting the weather?

A: It varied with what the weather was. If it was on the edge, he was more engaged checking equipment and looking outside.

Q: Do you often have to edit what is reported on the AWOS for visibility?

A: No.

Q: How about for ceilings?

A: It was spotty at times, like differentiating between scattered and broken, etc., because it just pointed straight up, so if there's a cloud right above, then...

Q: From an IFR standpoint, are you aware that crews cannot circle to the left and land 27R?

A: Yes, there was a limitation on the IFR approach at night.

Q: Does it surprise you that pilots choose to circle in VFR?

A: It was a somewhat regular practice for aircraft to come in from the north and overfly the field and do that.

Q: Have you seen the Lear Jet land on RWY 17?

A: He had seen jets land on RWY 17, not sure if any were Lear Jets.

Q: Do people follow the course rules here in general?

A: Yes, but it was a training airport and there were flight schools there.

Q: Are you aware if the facility is engaged in meeting with locally based units to discuss airport issues, course rules, lessons learned, etc.?

A: [FACREP responded]: The Local Safety Council (LSC)⁷ goes around and talks to operators about anything that might be systemic. Like talking with the county about finding the best way to conduct runway crossings on RWY 17. When he was part of the LSC he went to the GPA (Gillespie Pilot's Association) meetings on the first Saturday of every month, but they had not been done since the COVID pandemic. They seemed productive but nothing drastic - "local guys do what local guys do."

Q: Do pilots come up to the tower to observe operations?

A: Not since COVID. He had pilots come up in the past, but the last two years had been completely different.

Q: When aircraft use this procedure of flying the instrument approach into the field to get visual, do they normally cancel IFR or take the visual, or what?

A: Nothing stood out as one more than the other.

Q: If the visibility had been two miles, would that have changed your response to N880Z's request to cancel IFR?

A: Yes. He would not have been able to cancel and said his response would have been "The field is IFR say intentions."

Q: So, the field was VFR because the last AWOS weather observation said it was VFR?

A: Correct.

Q: Regarding the weather to the best of your recollection, during or leading up to the event, was there a progressive decrease in the visibility or had it been consistent for last 30-40 minutes?

A: To his recollection, it seemed pretty "steady state." It was three miles and did not seem to be dropping.

Q: When was the beginning of your shift?

A: He had been on for about six hours.

Q: Had there been any previous opportunities to augment the weather earlier in your shift?

A: He was not sure.

Q: Do you have day-night observation reporting points?

A: Yes, they were accessible from that position.

Q: Do you know if the reporting points were updated every year as required?

A: He did not know.

⁷ LSC - Local Safety Council - A collaborative management/labor union team that encourages employees to proactively engage in identifying and mitigating local safety concerns.

Q: At one point the pilot asked to turn up the lights to 100%, correct?

A: Yes.

Q: And you advised him they were at 100%, correct?

A: Yes.

Q: Were the lights already at 100% or did you do it when he asked?

A: They were already there.

Q: If you had to ballpark it, how many days per year would you say SEE is IFR?

A: Mostly in the spring/fall but it was rare. It was more in the morning with the marine layer, not in the evening.

Q: Hindsight being 20/20 - since the accident have you thought of anything that might have been able to be done differently to help avoid this type of event from happening in the future?

A: No - he was very surprised, and really hoped the CVR⁸ would reveal something.

Interview concluded at 1445 PST.

⁸ CVR - Cockpit Voice Recorder - a device used to record the audio environment in the flight deck for accidents and incident investigation purposes. The CVR records and stores the audio signals of the microphones and earphones of the pilots' headsets and of an area microphone installed in the cockpit.

Interviewee: Joseph Coxworth (GQ)
Representative: Christopher Marovich

Date/Time: January 20, 2022 / 1310 Pacific standard time (PST)
Location: Gillespie Field Airport (SEE)
Present: Mike Richards - NTSB; Doug Blaul - FAA; Dan Carrico - NATCA
Investigator: Brian Soper - NTSB

During the interview, Mr. Coxworth was asked a series of questions by the group, and below is a summary of the questions asked (Q) and answers provided (A):

Q: What was your age on the day of the accident?

A: 33.

Q: What are your operating initials?

A: GQ.

Q: What is your title?

A: Certified Professional Controller.

Q: Do you have any military or pre-FAA ATC work experience?

A: Yes - he served as an air traffic controller in the United States Marine Corps (USMC) and had been stationed at both Marine Corps Air Station (MCAS) Miramar and MCAS Beaufort.

Q: Do you hold any collateral duties, or have you been on any recent details?

A: No.

Q: Could you please describe briefly, your ATC/aviation background?

A: He knew college was not the best choice for him and he had the opportunity to tour the Memphis Airport Traffic Control Tower (MEM ATCT) and Memphis Air Route Traffic Control Center (ZME ARTCC) and was immediately interested. He went to the USMC recruiter to enlist specifically for ATC and got it. After boot camp he was stationed at Miramar, had a newborn, and later reenlisted and transferred to Beaufort. After the USMC he applied and received an offer from Serco for Brown Field Federal Contract Tower (SDM FCT) and was later picked up by the FAA and began worked at Livermore (LVK) ATCT for about two years before being selected for SEE ATCT through the NCEPT⁹ in 2020.

⁹ NCEPT - National Centralized Employee Requested Reassignment (ERR) Process Team - Comprised of both FAA and NATCA representatives, NCEPT serves as the sole process for evaluation and approval/disapproval of ERRs from bargaining unit employees desiring placement in positions covered by the CBA. The goal is to facilitate timely releases of controllers requesting transfers and improve the distribution of the workforce. During the pandemic, NCEPT limited the movement of controllers between critical facilities—particularly when a transfer would cause a facility to fall below the national CPC average.

Q: In the terms of Excellent, Good, Fair, Poor; how would you describe your overall health?

A: Excellent.

Q: Did you have a current medical clearance certificate on the day of the accident?

A: Yes.

Q: Do you have any waivers, restrictions, or limitations to your medical clearance?

A: No.

Q: Were you taking any prescription or non-prescription medications on the day of the accident?

A: No.

Q: Was drug/alcohol screening performed following the accident?

A: No.

Q: Any major changes in your health over the last year?

A: No.

Q: Any major changes in your personal life over the last year?

A: No.

Q: Any major changes in your financial situation over the last year?

A: No.

Q: In the 72 hours immediately preceding the time of the accident, how was your rest, eating, and daily activities?

A: Normal daily routine, including sleep, meals, and activity.

Q: Did you file an ATSAP as a result of this event?

A: Yes.

Q: Have you been interviewed about this event prior to this interview?

A: No.

Q: Have you had an opportunity to review a replay of the event?

A: No.

Q: Was a relief briefing conducted when you assumed the GC/CIC position?

A: Yes; with a checklist and recorded.

Q: On a scale of 1-5, 5 being the heaviest, how would you classify the traffic volume at the time of the accident?

A: 1 - which he considered normal for that time of day.

Q: On a scale of 1-5, 5 being the most complex, how would you classify the traffic complexity at the time of the accident?

A: 1 - which he considered normal for that time of day.

Q: Were there any distractions at or leading up to the time of the accident?

A: Yes; though it had concluded by the time the accident occurred, he had been handling a personnel issue prior to N880Z checking in.

Q: Do you recall the general weather conditions at or leading up to the time of the accident?

A: It was marginal VFR (MVFR)¹⁰, 2,000-foot broken ceiling, three miles visibility and mist or light rain, he was not sure which. He said it had been generally the same weather all day.

Q: Did you receive the pre-duty weather briefing on the day of the accident?

A: Yes - but did not recall any specifics from its content.

Q: Did you have a cellular phone or personal electronic device on you at the time of the accident?

A: No.

Q: Had you requested a relief or assistance leading up to the time of the event?

A: No.

Q: Could you please take a few minutes to explain with the greatest detail possible, your recollection of the sequence of events related to this accident?

A: Southern California Terminal Radar Approach Control (SCT TRACON) had called over with an approval request for RWY 17, which he approved like always. N880Z then checked in with LC controller who cleared him to land. It was on speaker so he could hear everything - the pilot read back the clearance and was tracking inbound and reported the field in sight, canceled his IFR and requested to land RWY 27R, he then went to the ETVS¹¹ to notify SCT TRACON as required, that N880Z had canceled IFR and would be circling to RWY 27R. He then asked if they wanted me to flash him over to which they said yes, so they exchanged initials then he entered VFR into ARTS¹² and at that point looked up to the left and seen the Lear Jet as it overflowed the airfield and continued to watch as it turned base where he lost him before seeing the explosion.

¹⁰ MVFR - Marginal Visual Flight Rules - in an aviation product, refers to the general weather conditions pilots can expect at the surface. VFR stands for Visual Flight Rules and MVFR means Minimum or Marginal Visual Flight Rules. MVFR criteria means a ceiling between 1,000 and 3,000 feet and/or 3 to 5 miles visibility.

¹¹ ETVS - Enhanced Terminal Voice Switch - is a non-blocking, fully integrated, digital voice communications system designed to allow air traffic controllers to communicate with planes while in the air and on the runways, other controllers by intercom and conferencing, as well as with other ATC facilities by telephone, and various types of emergency facilities, such as security forces, fire departments, and other agencies by radio and telephone.

¹² ARTS - Automated Radar Terminal Systems - A generic term for several tracking systems included in the Terminal Automation Systems (TAS). ARTS plus a suffix roman numeral denotes a major modification to that system.

Q: Did anything seem odd during the overflight, i.e., was he fast, slow, high, low, etc.?

A: The aircraft seemed low as he overflow the field, but he was coordinating with SCT TRACON and was unable to see him during all the critical phases of flight.

Q: Do you know what altitude he was at when he overflow the field?

A: Yes, he glanced up at the radar and it indicated 700 feet.

Q: What was your expectation of an airplane that does this same procedure, flying the IAP¹³ into RWY 17 then canceling IFR and circling VFR to RWY 27R?

A: Generally, he expected the pilot to make the decision to cancel and change runway prior to a one mile final - then to overfly the field at roughly pattern altitude, and circle to the southeast roughly to the pattern they requested.

Q: Do you recognize the accident Lear Jet as one you work regularly here at Gillespie?

A: Yes.

Q: 700 feet seemed pretty low; do you have any thoughts on that?

A: Because he waited until he was one mile out to choose a different runway, he did not know what was going on in the aircraft and said he did not have an answer for that question.

Q: Do you remember if there were any clouds below 2,000 feet?

A: He did not recall.

Q: Was there any precipitation at the time?

A: Not on the pane.

Q: You had the LAWRS duties, correct? Can you explain - how does that work?

A: Yes. AWOS puts out the data, they would make an assessment to compare and amend or adjust as necessary. It was just part of his scan and was not just looking at aircraft, but also looking at the weather.

Q: If there is a conflict between what AWOS is reporting and what you are observing out window - who wins?

A: They were trained to assess - it was part of the protocol. It was not really win or lose, if it was close enough to be IFR, they would err on the lower side. For example, if it was teetering between VFR/IFR, they would go with IFR. Other times it was a consensus of the tower team.

¹³ IAP - Instrument Approach Procedure - A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

Q: Do you recall how things went on the night of the accident?

A: He could not recall.

Q: How do you determine visibility at night?

A: They had visibility markers which were included in their training.

Q: Is Mt Helix one of those night visibility markers?

A: Yes.

Q: Do you recall seeing Mt. Helix that night?

A: No - he did not recall.

Q: When you first transferred from LVK, you said you transferred in March but did not start working until September because of COVID, were you on excused absence for that time?

A: Yes.

Q: You mentioned you did not have any restrictions or limitations to your medical clearance - but your medical clearance notice says that you have a special consideration for medical condition or medication?

A: He said he did not have any and would have to check that out.

Q: What was the earlier conflict you were working prior to the accident?

A: While on break (and not in the tower cab), a pilot had requested to come into RWY 9L, he was CIC at the time and was trying to get the picture as to why he was not offered 9L. After he had returned to the tower, the pilot called and was very disgruntled and he was trying to understand where the breakdown had occurred because he was IFR. It started with a denial at SCT TRACON, then when he checked in with SEE ATCT, he reported the field in sight and asked to circle to RWY 9L, which was again denied by SCT TRACON.

Q: What type aircraft was that?

A: King Air.

Q: Have you seen this Lear Jet land on RWY 17?

A: He did not recall.

Q: You said you saw the airplane overfly at about 700 feet - can you estimate the airplane's relationship to cloud deck?

A: He did not see any interference with the clouds; he could see the entire aircraft with no cloud coverage.

Q: When the airplane made it's downwind to base turn, was he above or below the top of twin peaks?

A: He did not recall.

Q: You approved the RNAV approach with SCT TRACON; is that normal from GC/CIC - how did you end up doing that rather than LC?

A: [FACREP responded]: It was a common practice - basically whoever got to it first when the request was made.

Q: Did you keep the airplane in sight the whole time?

A: No, he was performing other duties.

Q: What is the pattern altitude here for jets?

A: 1,400 feet at night.

Q: Where is the AWOS display in the tower?

A: To his back, but said it was still part of his regular scan.

Q: Hypothetically, if the AWOS is showing 200 BKN on clear day with no cloud layers, what would you do?

A: He would send what we observed to SCT TRACON.

Q: What's your process for reporting a problem with the AWOS in a case like that?

A: He had never had to do that.

Q: You believe the aircraft made the request to cancel IFR closer than normal?

A: Yes.

[A break as taken in the interview from 1347-1355]

Q: Can you tell me a little bit about the pilot's request for the lighting to be turned up?

A: During that time of year, they asked for lights to be turned up more often.

Q: Any idea why that would be?

A: He did not know but said a lot of houses still had Christmas lights up. That aircraft, he added, was not the only one during night shifts to ask for them to be turned up.

Q: Do you have approach lighting to RWY 27R?

A: No.

Q: Do have PAPI¹⁴ lights?

A: Yes.

Q: How often do you have to enter a SPECI here?

A: Infrequently.

¹⁴ PAPI - Precision Approach Path Indicator - A visual aid that provides guidance information to help a pilot acquire and maintain the correct approach (in the vertical plane) to an airport or an aerodrome. It is generally located beside the runway approximately 300 meters beyond the landing threshold of the runway.

Q: Do you see this a lot here - approach to RWY 17, then circling to RWY 27R?

A: Pilots would sometimes request this for practice. It was really the pilot's prerogative which runway they went to. 98% of the time they were on RY 27 here - especially in the daytime.

Q: Do you recall doing any SPECIs earlier in your shift at all?

A: He did not recall.

Q: You said you seen the aircraft when he checked in?

A: Yes, when he heard him check in, he glanced up and saw what appeared to be the aircraft.

Q: There was a METAR issued at 0255 UTC, was that you?

A: No, that was the previous controller.

Q: Between the time the last ATIS¹⁵ was cut and the accident.....you were responsible for LAWRS?

A: Yes.

Q: Did you observe the weather change to IFR?

A: No - he did not recall.

Q: Did you see the AWOS report a change to IFR?

A: No.

Q: Does the AWOS ever chirp or is there any audible warning if AWOS meets a predetermined change in value?

A: No - but said it did at Livermore.

Q: Did you like the audible alert?

A: Yes.

Q: On a normal day - normal shift - how often are you looking at AWOS?

A: Not often - basically when he had to (once an hour). In marginal conditions more frequently, but no exact timing.

Q: Would movement of the AWOS display, or additional displays help with being able to notice when changes occur?

A: The addition of a display to LC would probably be helpful because they were always paying attention. Not to replace the other display, but as an additional display.

Q: How was your LAWRS certification completed?

A: Took the LAWRS test at SERCO¹⁶ - was told to study for couple hours and let them know when he was ready to take the test; took the test and certified.

¹⁵ ATIS - Automatic Terminal Information Service - A continuous broadcast of current, routine information to arriving and departing aircraft by means of continuous and repetitive broadcasts throughout the day or specified portion of the day.

¹⁶ SERCO Inc. - One of several companies that provide contracted ATC services to the FAA under the Federal Contract Tower (FCT) program.

Q: Did you have to certify here at SEE ATCT?

A: No, he was previously certified before coming to SEE ATCT. He may have had refresher training, but that would have been it.

Q: Do you recall the last time you produced a manual weather observation?

A: No.

Q: Have you ever conducted an observation?

A: Yes - they had to do at least one every 30 days according to standard operating procedures, and he had conducted one in December.

Q: Are there any checks of that requirement?

A: Only that it had been completed. It was usually clear when they were done.

Q: Do you have an accident or incident checklist in the cab?

A: Yes.

Q: Did you follow it on the night of the accident?

A: Yes.

Q: Does the checklist require a SPECI after an accident/incident?

A: He could not answer that.

Q: Do you recall SPECIs being done for incidents?

A: When completing a Mandatory Occurrence Report (MOR) it required the weather at the time of the incident but was not sure what the source of that weather was.

Q: When do you cut ATIS? Prior or after you type the observation into AISR¹⁷?

A: The most common order was, ATIS - FDIO¹⁸ - AISR.

Q: When typing into AISR, do you have to type every field in by hand or does it auto populate?

A: It was typed in manually, whatever was typed in last would still be in there and you just changed the fields that were required to be changed with the new observation.

Q: Hindsight being 20/20 - since the accident have you thought of anything that might have been able to be done differently to help avoid this type of event from happening in the future?

A: From the tower - nothing could have been done differently. But he had been wondering if SCT TRACON ever offered them a different runway.

Interview concluded at 1430 PST.

¹⁷ AISR - Aeronautical Information System Replacement - a web-enabled, automation means for the collection and distribution of Service B messages, weather information, flight plan data, NOTAMs, PIREPs, and other operational information to all FAA Air Traffic facilities.

¹⁸ FDIO - Flight Data Input/Output - A system utilized to distribute flight plan information, weather information, and general information to associated ATC facilities across the National Airspace System.

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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LEARJET35A, N880Z FATALITY IN *

SAN DIEGO/EL CAJON, CALIFORNIA *

Accident No.: WPR22FA068

ON DECEMBER 27, 2021 *

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* * * * *

Interview of: NATHAN FISCHER, Acting Air Traffic Manager
Gillespie Airport Traffic Control Tower

San Diego, California

Thursday,
January 20, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

BRIAN SOPER, Air Traffic Investigator
National Transportation Safety Board

MICHAEL RICHARDS, Senior Meteorologist
National Transportation Safety Board

DOUG BLAUL, Assistant General Manager
Los Angeles Air Traffic Control District

DAN CARRICO, Group Member
National Air Traffic Controllers Association

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Balt. & Annap. 410-974-0947

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I N T E R V I E W

(9:39 a.m. PST)

1
2
3 MR. SOPER: Okay. So again, my name is Brian Soper. I am an
4 air traffic investigator with the NTSB. We're an independent
5 federal agency charged with the investigation of commercial or
6 civil aviation accidents; all civil aviation accidents for that
7 matter. We are not regulatory. We don't make rules. We don't
8 enforce rules. We are here to do the safety portion of this
9 investigation and establish a probable cause and hopefully find
10 things that we can recommend to industry to prevent this
11 reoccurrence in the future.

12 Here with us today I have on our group, from -- representing
13 NATCA, I have Dan Carrico. He works at Chicago tower -- O'Hare
14 tower in his regular job and he is here as a party member for
15 NATCA.

16 On my right, I have Mike Richards who is a senior
17 meteorologist at the NTSB, embedded with our group for the purpose
18 of the subject matter expertise in all things meteorology.

19 And down on the end, I have Doug Blaul, who you know, and who
20 is -- your title again, sir?

21 MR. BLAUL: Assistant General Manager.

22 MR. SOPER: Assistant General Manager of --

23 MR. BLAUL: The Los Angeles Air Traffic Control District.

24 MR. SOPER: Los Angeles Traffic Control District.

25 So you guys are familiar with each other.

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1 And then I have your representative here, Mark Tomcich, who
2 we've worked with a number of times, so we have everybody
3 available.

4 And if -- the purpose of this investigation, like I said, is
5 safety and to establish a probable cause. The transcript, not the
6 recording, is what will go into the docket. At the ending you
7 will get an opportunity to review that transcript, as well as
8 those on this group will also get the opportunity to review that
9 transcript for errors and corrections. We make corrections to
10 those and put the corrected copy into the docket.

11 We cannot guarantee confidentiality or immunity, meaning our
12 interviews are not privileged like they may be in the military.
13 In a military safety investigation, the interviews are privileged
14 which means, you know, they retain it inside and don't hold it
15 against that person or don't produce it. Your name will be
16 attached to your transcript that you provided, the information you
17 provided in your report.

18 If you would, just answer all of the questions honest and to
19 the best of your ability. Try not to fill in the blanks. We
20 don't -- you don't need to try to fill in what you think we want
21 to hear. It doesn't help us if we get that. We really need to
22 know what you are aware of, either what you've seen, know,
23 understand about the facility and its operations. (Indiscernible)
24 representative, which you've chosen, which is Mark Tomcich. And
25 do you have any questions for us before we start?

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1 MR. FISCHER: Nope.

2 MR. SOPER: Okay, great. We will now begin the interview.

3 INTERVIEW OF DAVE L. FISCHER

4 BY MR. SOPER:

5 Q. And if you would, for the record, and on the recording, could
6 you please state your name and job title?

7 A. Nathan (ph.) Fischer, acting air traffic manager, Gillespie
8 Air Traffic Control Tower.

9 Q. Awesome. Thank you very much for that. So the -- you said
10 you had -- you just have only been here about three months. Do
11 you remember when you actually came here to --

12 A. The official date was October 10th, 2021.

13 Q. And since you've been here, I haven't looked clearly at your
14 SOP or anything yet, have you rewritten any SO -- any of your
15 standard operating procedures under your authority since you've
16 been here, or are you still operating under what was written prior
17 to you arriving?

18 A. We're still operating what was written prior.

19 Q. Okay. And I don't need the background question -- I mean,
20 because we're here really, to discuss in your case, the facility
21 management. So some of the things that we've been discussing that
22 we've had concern about are -- surround the LARS and the large
23 procedures here.

24 How familiar are you with how they're conducting that here at
25 this facility?

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1 MR. FISCHER: Vaguely.

2 MR. SOPER: Okay. So again, whatever you know, you know, and
3 whatever you don't is okay.

4 We're curious a little bit with -- about what is your
5 expectation -- as an air traffic facility manager then, what is
6 your expectation for the LARS procedures for a controller in the
7 tower? What I mean by that is, so, as I do understand it here at
8 this facility, the ground -- whoever is filling ground patrol is
9 the person that is responsible for the LARS augmentation and
10 weather information that is there, and I think that's a standard
11 in your SOP --

12 A. That's what I understand, yes.

13 Q. Yeah. So your expectation of what they should be doing to be
14 -- when they're conducting their LARS augmentation is what? And
15 what I mean by that in general, do you expect them to -- I don't
16 know, how often and closely do you expect them to monitor the
17 equipment for changes in weather conditions that they would need
18 to either augment or decide if it needed to be augmented? Do you
19 -- is there any type of -- I don't know, I mean, just what would
20 your expectation be about how they should handle LARS -- their
21 LARS responsibility in the tower here?

22 A. Okay. My understanding is that they complete the training,
23 the ALMS course, then they take a test and then they're trained on
24 ground control. Let me rephrase that. Flight deck clearance
25 delivery/ground control position. And then, once they receive

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1 that training, certify to comply with the training that they've
2 received.

3 Q. Okay. Do you know -- are you aware of -- as I understand,
4 you have a non-federal AWOS here, so it's maintained by a contract
5 company. Are you aware of any maintenance issues or issues that
6 have been problematic with the AWOS here like -- or any portion
7 thereof; like the ceilometer or the -- or other equipage that's
8 associated with the AWOS? Has there been any issue with --
9 problems with any of those readings on a regular basis?

10 A. Prior to the accident, no.

11 Q. Okay.

12 A. After, I've heard rumors, so I'm not sure -- unsure of that.

13 Q. Like such as what?

14 A. Just hearsay --

15 (Crosstalk)

16 MR. CARRICO: Just one at a time, because the recording's
17 going to be garbled, so okay? Let Brian finish his question
18 first.

19 BY MR. SOPER:

20 Q. The -- what kind of hearsay stuff? I mean --

21 A. Just from -- that there has been repair made and rumors that
22 there was an issue years ago.

23 Q. Okay.

24 A. Nothing specific, nothing documented.

25 Q. Okay.

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1 A. Or written.

2 Q. Very good. That's why I asked, I -- because we are aware
3 that there were some issues years ago, as well, and we're not sure
4 where that stands. We do -- we are talking to the contract
5 maintenance people at some point here, so we'll get that
6 information. I was just curious from the air traffic control side
7 if there had been any indication from your controllers that, we're
8 having issues with any part of it or --

9 A. No. And then again, nothing until after.

10 Q. Okay. Very good. All right. I'm -- I don't have anything
11 else for right now. I want to be able to allow others to ask
12 questions.

13 So now I'm going to go ahead and pass it along to Mike
14 Richards.

15 MR. RICHARDS: All right. At this point, I don't think I have
16 any questions.

17 MR. SOPER: Okay.

18 Dan?

19 MR. CARRICO: I wanted to talk about a couple of quick things
20 training-wise.

21 BY MR. CARRICO:

22 Q. So they -- I just want to make sure I got this right; they do
23 a CBI, they take their test, and they start training on flight
24 data, clearance, delivery, ground control. When their certified
25 on those positions, then they're certified on LARS.

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1 A. They're LARS certified.

2 Q. Okay.

3 A. And it's eLMS, for --

4 Q Okay, eLMS, thank you. So what kind of recurring training do
5 they receive post-certification?

6 A. I'm not 100 percent aware. However, they're required -- I
7 believe they're required to take a weather observation once a
8 month. Once a month, or it's two months, I'm not entirely sure.
9 It's 30 or 60 days.

10 Q. Okay. And are those weather observations, are they -- how
11 are they checked that they're doing it correctly?

12 A. I'm not aware of that.

13 Q. Is there a form that's used for these?

14 A. There is. I don't have the number, form number.

15 Q. I mean, it's --

16 A. It's every month. It's what any of LARS observations that
17 were taken, it's documented and retained.

18 Q. Correct. It is retained.

19 A. It is retained.

20 Q. Was there a special weather observation taken after the
21 accident?

22 A. Not to my knowledge.

23 Q. Do you know why not?

24 A. No, I don't. It was late in the operating hours. So the
25 accident occurred around 7:15 and we close at 9.

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1 MR. SOPER: And Dan, just before you get too far, did you
2 have a supplement to your other answer?

3 MR. CARRICO: No, I --

4 MR. SOPER: I think you were going to add something --

5 MR. FISCHER: I believe that the requirement is within sixty
6 days, but I -- again, I'm not fully aware of the requirements to
7 do an observation.

8 MR. CARRICO: Monthly.

9 MR. FISCHER: Sixty days, but I'm not 100 percent sure of
10 that at this time.

11 MR. CARRICO: The SOP says monthly.

12 MR. FISCHER: It's monthly? Okay.

13 MR. CARRICO: You retain those forms -- okay. So there was
14 no special weather done.

15 BY MR. CARRICO:

16 Q. Prior to this -- let me rephrase. Did the ETER (ph.)
17 controller, the DOW (ph.) troller or the local controller receive
18 a performance records conference out of this accident?

19 A. After?

20 Q. Yeah.

21 A. Yes.

22 Q. Positive? Negative? What did it identify?

23 A. It was -- only one of the individuals received it because the
24 other was out on OWCP, but it was that we need to be, I'm
25 paraphrasing here, but more diligent. You have it on record.

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1 More diligent in the form of -- because of white traffic, there
2 may be one opportunity during an hour period to get a pilot
3 report.

4 Q. Okay. So those traveling pilots --

5 A. Yes.

6 Q. Was that -- refresh me, and I'm just trying to remember, was
7 that an outcome of the SRT pilots?

8 A. Correct. It was a (indiscernible) action.

9 Q. And prior to this, did either controller have any adverse
10 PRT's, performance (indiscernible) dealing with pilots or any
11 other matter of air traffic?

12 A. Nope.

13 Q. Okay.

14 MR. CARRICO: That's all I have right now.

15 MR. SOPER: All right. Thank you.

16 Doug, did you have some questions?

17 MR. BLAUL: Just a couple.

18 BY MR. BLAUL:

19 Q. So I just want to confirm that flight data clearance and
20 ground control are always combined here and they're trained that
21 way; classroom is done that way and OJT is done that way?

22 A. Not always but most of the time, yes.

23 Q. Okay. So flight data clearance could be split off at some
24 point?

25 A. I believe so, yes.

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1 Q. Okay. And then LARS is part of the flight data curriculum, I
2 assume?

3 A. Correct.

4 Q. Okay. And if someone were not certified yet on flight data
5 clearance, they would not -- just because they're LARS certified,
6 they wouldn't be able to do any observation on their own, correct?

7 A. I don't believe so.

8 Q. Okay. When you say we did a PROC and there was a cap that
9 came out of the SRT, can you explain that? Did it come out of the
10 CER? Did it come out of the --

11 A. Correction. It was not out of the SRT, it was out of the CER
12 and SSR. I misunderstood. It was the SSR --

13 Q. No worries.

14 A. -- that were conducted, I believe, the day after the
15 accident.

16 Q. Okay. And I'm only offering this up, just so you all know,
17 as I was on vacation. So we're behind the power curve.

18 A. Yup, no worries.

19 Q. I didn't anticipate much of a follow up.

20 A. Right.

21 Q. So the CER findings, what was -- what were the findings? Was
22 it singular? And I understand why CRs are conducted, but was it a
23 singular finding and that generated the CAP (ph.)?

24 A. They have a copy of it, but also, yeah, we went through, we
25 reviewed everything and I conducted this with my facility

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1 representative, and we realized that there were opportunities that
2 were missed to receive a PIREP due to very slow traffic. For
3 example, the previous arrival was approximately 50 minutes before
4 the check in of the arrival -- the accident. So there were hours
5 that were missed because we only had one aircraft, and so we
6 created a CAP to address that. You may only get one opportunity
7 over the course of an hour, to get a pilot.

8 Q. Okay. Was an SSR also conducted?

9 A. Yes.

10 Q. Okay.

11 A. Findings were similar.

12 Q. Okay. And the same parties, you and flight deck?

13 A. correct.

14 Q. -- both collaborated on? Okay.

15 MR. BLAUL: I don't have anything else.

16 MR. SOPER: Okay.

17 BY MR. SOPER:

18 Q. Do you have any -- have you had any relationship since you
19 been here with the tech-ops folks here? The FAA tech-ops folks?

20 A. Minimal.

21 Q. And how about the contract that maintains the AWOS? Probably
22 nothing, right?

23 A. Zero.

24 Q. Yeah. That's what I figured.

25 As far as in -- I know I asked you earlier, controllers had

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1 mentioned anything about AWOS, and I -- I'm assuming, but I don't
2 want to assume for the purpose of this; has tech-ops mentioned
3 anything to you about concerns with AWOS or that they've had
4 issues with it, or that they're working on or need to check or
5 anything like that?

6 A. No.

7 Q. Okay.

8 A. I don't think I've talked to tech-ops about AWOS at all.

9 Q. Okay. All right. I wanted to shift modes a little bit, away
10 from the LARS stuff now, and talk a little bit about the actual
11 operation over here.

12 So in this event, as we noted in this particular instance,
13 the aircraft as it came in, and the pilot canceled his IFR,
14 inbound to runway -- on the runway 17 on that GPS approach,
15 canceled his IFR, requested the squawk VFR, and land on runway 27.
16 At the point that he asked that, it was approved, he was told to
17 enter left traffic, I believe for runway 27 if I'm not mistaken.

18 The aircraft remained very low through -- you know, and when
19 I say very low here, he was below 500 feet AGL throughout the
20 entire maneuver of transitioning from the runway 17 instrument
21 approach VFR over to runway 27. Low enough that he was below
22 terrain that exists that he had to go around that would've been
23 between him the airport. The twin peaks, I believe you guys
24 identify that as -- off of the approach end of runway 27 out there
25 a little bit.

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1 My question is: are you aware -- is that normal operation for
2 aircraft operating in, on, or near this airport? Just to remain
3 that low when transitioning like that, even if they're VFR, or
4 would your expectation be that they normally would climb up to a
5 more representative pattern altitude, per se, to set up for that
6 left traffic?

7 A. I am not fully aware of the procedure as far as if that is
8 considered low or not. I do know it is not necessarily abnormal,
9 so --

10 Q. Okay.

11 A. Meaning I don't have enough experience with that to make my
12 own judgment call, but from -- it's not necessarily abnormal.

13 Q. Okay. All right. Very well.

14 A. I know it's a normal procedure to circle from GPS 17, but --

15 Q. Okay. So you -- so that right there, that was actually going
16 -- my next question a little bit, which is does it seem like -- if
17 you could classify it as either routine or not routine or
18 frequent, the procedure of aircraft executing the instrument
19 approach to get the field in sight to 17 and then landing 27,
20 ultimately? Is that a common occurrence here?

21 A. Yes, somewhat common to aircraft.

22 Q. Okay. And this is just kind of a -- I don't want to call it
23 a judgment question, but an -- just an in your opinion; I'm just
24 curious from your experience level in air traffic control, doing
25 this a long time, what you see. Does it seem odd or not odd to

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1 you that an operator would conduct an approach to a runway that
2 they cannot land on, based on their op specs? Or do you have any
3 idea of that, I mean --

4 A. Could you rephrase the question?

5 Q. Is it -- I know it's kind of a jumbled question, I feel bad.
6 I don't know how exactly to ask it. Do you feel -- so in this
7 case -- I'll just say in this case right here, we have this
8 Learjet that was conducting an instrument approach to runway 17,
9 that they could not land that because their op specs just doesn't
10 -- they would go off of the end of the runway. It's known. The
11 operator stated that.

12 A. He did?

13 Q. He did, so -- yes, they say that we could not land on that
14 runway. And they say that they, you know, they conduct that
15 approach to get into the field and get the field in sight, and
16 then they can switch to the opposite runway. Do you feel that is
17 common for that to happen, in general or --

18 A. It does happen, I know that. In my -- and again, this is
19 strictly my opinion, in facilities I've worked in, they have
20 circled to runway that they were not able to land at.

21 Q. Yeah. And so in this case, they can't circle at night.
22 Like, there's no circling allowed at night. So I'm guessing their
23 only choice is to either conduct the -- finish the instrument
24 approach they're on to the runway they're going to, or cancel IFR
25 and be able to maintain VFR and land under visual flight rules.

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1 A. That's not correct.

2 Q. Oh, okay.

3 A. They could've shot the localizer delta approach. I don't
4 recall the minimums of that approach with regard to the weather,
5 but there is another option.

6 Q. Okay. And that -- is that to runway --

7 A. It's to 27, but technically, it is a circle. It's just a
8 localizer delta approach, but --

9 Q. Okay.

10 A. The maneuver is also usually to circle, unless --

11 Q. Okay. All right. (Indiscernible) I'll have to look at that.
12 I think I might have missed that. I knew there was an approach to
13 runway 9.

14 A. Yeah. It's a localizer delta approach --

15 Q. But that one was not authorized for (indiscernible) aircraft
16 so --

17 A. I don't recall off the top of my head if the localizer delta
18 is authorized for that, but --

19 Q. Okay. I know that was kind of a convoluted question, I just
20 -- it just -- it struck me as odd at first, but then I thought to
21 myself, well, I don't know. I mean, I've seen aircraft that, you
22 know, they should just approach specifically to get down the
23 airport so they can get the airport environment in sight, and then
24 they switch to a visual or, you know, whatever at that point.

25 A. Yeah. I mean, it does happen, but --

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1 Q. Yeah.

2 A. How frequent --

3 Q. Okay.

4 A. I can tell you stories, off the record.

5 Q. Yeah. I get it, I understand. All right.

6 And how about -- shifting gears just a little bit again, the
7 airport runway lights here, are you aware -- do you guys have LED
8 lights, or are they the standard, the old-type, incandescent
9 lighting?

10 A. I'm not sure. The runway lights?

11 Q. Yeah, the runway lights.

12 A. I'm not sure on the runways, no.

13 Q. And do you have approach lights here at all to runway 27, or
14 is it just --

15 A. Not to my knowledge. I don't think so. Again, I'm not 100
16 percent --

17 Q. I can look that up. That's easy. I'm just -- I was curious
18 if you --

19 (Crosstalk)

20 Q. Do you -- have you heard discussion, complaints, anything
21 about the intensity of the runway lights here? Either being dim,
22 lower than normal, that they're problematic, or anything like that
23 that you are aware of?

24 A. No.

25 Q. Okay. Seeing if I have one question --

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1 (Airplanes in background)

2 Q. -- bring my memory back. I'm going to pass it along for now.

3 Mike did you think of anything you wanted to ask?

4 MR. RICHARDS: I don't think I have any questions.

5 MR. SOPER: Dan? Did you have any additional stuff you
6 wanted to ask?

7 MR. FISCHER: Can I add to the question?

8 MR. SOPER: Absolutely.

9 MR. FISCHER: About shooting approach and then canceling?

10 MR. SOPER: Yes.

11 MR. FISCHER: I mean, there are -- it happens as -- I don't
12 know, I mean it happens here for that approach. And then, you
13 know, it does -- there's -- there are times when not at this
14 airport, but they'll shoot an approach to an airport and then
15 cancel and go VFR into another airport.

16 MR. SOPER: Sure.

17 MR. FISCHER: But that's a procedure that happens in my
18 experience.

19 MR. SOPER: Yes. You're right, that's true.

20 MR. FISCHER: I would say it's probably not that uncommon for
21 it to happen, so, with regard to -- you know, it's nothing that
22 would catch anyone by surprise is what I'm saying.

23 MR. SOPER: Okay. Very good.

24 Dan?

25 BY MR. CARRICO:

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1 Q. Local safety council, do you have an active Local Safety
2 Council?

3 A. Yes. We just started it. I believe it was -- went on for a
4 while prior, then we just got it started up in January. Well,
5 December it was kind of starting and then into January as well.

6 Q. So this month?

7 A. This was our first official meeting was a week or two ago,
8 but they had not had a chance to meet.

9 Q. Okay.

10 A. Until a couple of weeks ago.

11 Q. Okay. What are -- is it COVID related, staffing?

12 A. There was some COVID related issues. It was also change of
13 leadership and union rep, and so they had to figure out who they
14 were going to put on it and, you know.

15 Q. Okay.

16 A. We have two supervisors that pretty much started at the same
17 time as me, so it was a matter of --

18 Q. Okay. Perfect.

19 MR. SOPER: Okay, one area -- this is question I was thinking
20 of.

21 First of all, Doug, did you have any additional stuff right
22 now, before I ask?

23 BY MR. CARRICO:

24 Q. You know, the only question I have is, when you did the
25 reviews with the union --

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1 A. The CER?

2 Q. Yeah. The CER or the SSR, leaving aside the weather aspect,
3 did the controllers' instructions to the aircraft meet
4 expectations? Is that what would typically be issued?

5 A. 100 percent.

6 Q. Okay. That's all.

7 BY MR. SOPER:

8 Q. Okay. For general operations here in your tower, is it more
9 often than not that a CIC is providing general supervision, or do
10 you normally have an OS available, or a sup that's up there in the
11 airport -- in the control environment?

12 A. Well, it depends.

13 Q. Okay.

14 A. But the supervisors have been instructed to provide
15 supervision in the tower approximately 50 percent of the time on
16 an average.

17 Q. Okay. And so in your opinion, from what you're able to
18 ascertain so far at this facility, this occurrence happened at
19 night during a low traffic volume timeframe, I mean, you know,
20 there's just one aircraft as a matter of fact at the time. Would
21 it be normal for a CIC to provide in general supervision rather
22 than a supervisor being there?

23 A. Yes.

24 Q. That would've been a normal set up, okay. And do you know
25 how many supervisors do you have here?

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1 A. Two.

2 Q. And is that what you're allotted or, kind of --

3 A. Yes.

4 Q. Okay. So you've got the appropriate -- and both of them are
5 up right now, or able to work, right?

6 A. Correct.

7 Q. You don't have any -- okay. And general staffing; how is
8 your staffing here in relation to -- and what I'm asking here is,
9 are you staffed about where you should be? Are you staffed well
10 below, above, or do you have a really lopsided developmental
11 versus qualified staff?

12 A. We're about where we should be. We have some developmentals
13 that would put us over the numbers if they were certified, but
14 those are -- that's only happened within the last couple of months
15 as far as --

16 Q. Okay.

17 A. -- developmentals.

18 Q. One last thing going back to the LARS thing again a little
19 bit; here at this facility, since you live in paradise of San
20 Diego -- from, you know, this area --

21 A. That's a different town.

22 Q. The weather is --

23 A. And don't believe it's paradise (ph.).

24 Q. Okay. All right, yeah, you're right. Maybe paradise wasn't
25 a good explanation. But you live in a very nice weather climate,

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1 generally speaking. Climatology here is positive. How often do
2 you -- or how routine is it for the controllers, if you're even
3 aware, to have to augment the LARS on any regularity? Or is --
4 does -- is that a rare thing that they really have to augment
5 much, or do you not really --

6 A. I don't know. I can't speak for that.

7 Q. Okay. That's no problem. Do you know -- see I can't even
8 ask you that because you've only been here about three months. It
9 would be unfair.

10 All right. The last thing I have then is, here at the --
11 since you've been here, have you learned about -- are you part of
12 any groups like air traffic control advisory committees, safety
13 groups, that you meet with local operators here, like the flight
14 schools or the operators that operate out around here regularly
15 for meetings such as lessons learned, course rules, things that
16 are going on, you know, construction-wise or issues, where you
17 share information of a safety nature and what's happening to
18 assist with operations and stuff like that? Is there any kind of
19 those meetings that you're aware of that you are a part of or
20 attend?

21 A. Currently?

22 Q. Yeah.

23 A. No. That is one of the things that I've been wanting to get
24 going but due to COVID, we've been unable to meet in person and
25 discuss such things.

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1 Q. I can understand that. As I understand, there's a pretty
2 active pilots association out here that since COVID has been
3 unable to do a lot of stuff they would normally do too. So it's
4 been two years now of them being a little bit not as engaged as
5 they normally would've been maybe.

6 A. Yeah. Local safety council has been tasked to as soon as we
7 can, start meeting with the flying community regularly.

8 Q. Great. Outstanding. Okay.

9 That's all I really have for right now, do you have anything?

10 A. I don't.

11 MR. SOPER: Any 'oh, by the way' stuff?

12 Dan?

13 MR. CARRICO: Nope, I'm good.

14 MR. SOPER: Okay. Last thing: hindsight 20/20. You've seen
15 this replay now a number of times. You've looked at this from the
16 back side, you've spoke to controllers and staff and I'm sure
17 others. Is there anything you identify with in kind of an after-
18 the-fact, where you're like, you know what? Maybe there's room
19 for something here that if we did this, or if this could've
20 happened, whether it's on your side or an operator's side, or
21 anything, that may mitigate this type of risk in the future? Or
22 do you think this was a result of circumstances that it was just
23 unfortunate. You know, the holes in the Swiss cheese lined up
24 this time?

25 A. So you're asking for my opinion, correct?

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1 Q. Yes. Just you're thoughts on have you -- has anything
2 occurred like that to you? Like, you know, I -- we should look at
3 this.

4 A. From any information that I've seen on a replay, I believe
5 (indiscernible) released during this whole preliminary report, I
6 believe it's called.

7 Q. Yeah.

8 A. It seemed as if he started the turn too tight, too close, and
9 left himself out of options -- himself or herself, yeah, out of
10 options at that point. You know, we're trained as pilots and
11 controllers, you know, to have multiple options, and I don't think
12 that there was another -- I mean, I just think he started
13 everything too tight.

14 Q. Yeah.

15 A. The circle, I mean. You know, like, so --

16 Q. Yup. Yeah, it did. I wouldn't disagree with that. You
17 know, when we look at the ADS-B data, it was kind of a -- I mean,
18 a very -- it wasn't even patternistic in nature. You know, he
19 didn't go and set himself up for a pattern with a base to turn and
20 all of that stuff; he just looped right, it appears. So I can
21 understand that.

22 A. And I -- you know, as an OJTI, when I was working radar,
23 facilities would instruct my trainees to, you know, expect if it's
24 -- somebody's doing 200 knots, you know, to make that a 90 degree
25 turn, you can expect it to take two miles. That's something that

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1 was taught. And so if you're trying to do a 180 degree turn, in
2 that speed, it would be four miles, you know. The faster you're
3 going, the harder it is to turn the aircraft, so.

4 Q. Yeah.

5 A. And I'd use the SR 71 as an example, and it takes numerous
6 states for it to turn -- so.

7 Q. Outstanding.

8 MR. CARRICO: One real quick question.

9 MR. SOPER: Sure, Dan, go ahead.

10 BY MR. CARRICO:

11 Q. Was that ops sup on duty that day?

12 A. There was earlier, yes.

13 Q. But he'd already left?

14 A. She --

15 Q. She, sorry.

16 A. I don't recall when she had left. I want to say 4 or 5? I
17 don't know exactly.

18 Q. So they weren't on duty at the time?

19 A. No they were not.

20 Q. Okay. That's all.

21 MR. SOPER: All right. Okay, well, I have no further
22 questions.

23 Do you have any questions for us before we turn off the
24 recorder or after?

25 MR. FISCHER: No.

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1 MR. SOPER: All right. I'm going to turn off the recorder
2 now. I show the time as 10:10 local.

3 (Whereupon, at 10:10 a.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: LEARJET35A, N880Z FATALITY
 IN SAN DIEGO/EL CAJON, CALIFORNIA
 ON DECEMBER 27, 2021
 Interview of Nathan Fischer

ACCIDENT NO.: WPR22FA068

PLACE: San Diego, California

DATE: January 20, 2022

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Angela Allen
Transcriber

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