

# AIRCRAFT ACCIDENT PROCEDURES MANUAL

February 2009



NJ DEPARTMENT OF TRANSPORTATION  
DIVISION OF AERONAUTICS  
PO BOX 610  
TRENTON, NJ 08625-0610  
609-530-2900

## THE NEW JERSEY AIRCRAFT ACCIDENT PROCEDURES MANUAL

The State of New Jersey, Department of Transportation (NJDOT), Division of Aeronautics has established standard notification procedures for aircraft accidents and incidents that occur within the State of New Jersey. The Division of Aeronautics relies on the resources provided by the New Jersey State Police and local law enforcement agencies to conduct prompt and professional aircraft accident investigations in conjunction with the Federal Aviation Administration and the National Transportation Safety Board.

The procedures presented in this manual are intended to aid in accident / incident notification and investigation and to provide the basis for an effective aircraft accident prevention program. The primary purpose of an aircraft accident investigation is to determine causal factors and to use this data as a basis for preventing similar types of accidents.

Your wholehearted cooperation is sincerely appreciated and is vital to the success of the New Jersey Department of Transportation, Division of Aeronautics, Flight Safety Program.

Stephen Dilts  
Commissioner of Transportation

## **TITLE 16. DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 60**

#### **AERONAUTICAL INVESTIGATION AND ENFORCEMENT**

## INTRODUCTION

The Division of Aeronautics within the New Jersey Department of Transportation (NJDOT), has the statutory authority to investigate aircraft accidents and incidents (see N.J.S.A. 6:1-51), violations of flight rules and regulations and complaints that occur within the State of New Jersey.

The National Transportation Safety Board (NTSB) is an independent Federal agency empowered by Congress to investigate every civil aviation accident in the United States. The NTSB may designate the State of New Jersey, NJDOT, as a party to the investigation as well as the FAA, which is automatically, designated a party by law.

The Division of Aeronautics must fulfill these obligations to ensure the welfare of the general public. This standard procedures manual has been developed in coordination with the FAA and NTSB to assist other agencies that may be involved in the investigation of aircraft accidents and incidents, violations of flight rules and regulations and complaints that occur within the State of New Jersey.

Your continued support of the Division of Aeronautics Flight Safety Program intended to enhance airport and pilot safety, is greatly appreciated.

## GENERAL PROVISIONS

This Chapter sets forth provisions for the reporting and investigation of aircraft accidents and incidents, the investigation of complaints related to aviation activities, and the enforcement of statutes and regulations pertaining to aviation.

### Applicability

The provisions of this Chapter apply to all types of flight activities which occur in the State of New Jersey, to all aeronautical facilities and to all personnel who participate in flight activities or who interfere with any aeronautical or flight activity within the State of New Jersey.

### **SUBCHAPTER 1.**

#### **ENFORCEMENT 16:60-1.1**

This chapter sets forth procedures for the issuance of summons and complaints and empowers specific additional employees of the Division of Aeronautics with the authority to function as law enforcement officers in compliance with Title 6 of New Jersey Statutes Annotated.

## **16:60-1.2 Issuance of Summons**

Designated law enforcement officers of the Division of Aeronautics are hereby vested with the authority to make arrests and issue a complaint and summons for non-compliance with any of the provisions contained in this Chapter. All proceedings shall be brought before a Magistrate having jurisdiction in the municipality in which it is alleged that the violation occurred. Designated law enforcement officers shall file the complaint and issue a summons for any violation of N.J.S.A. Title 6 (Aviation). The form of complaint and summons used shall be as prescribed by the Administrative Director of the courts pursuant to Rule 4:70-3 and Part VII, Rules Governing Practice in the Municipal Court.

### **SUBCHAPTER 2.**

## **INVESTIGATION OF AIRCRAFT ACCIDENTS AND INCIDENTS**

### **16:60-2.1 Definitions**

"Aircraft Accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and when all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage. For the purposes of this chapter, parachuting activities which result in death or serious injury also constitutes an accident.

"Fatal injury" means an injury which results in death within 30 days.

"Forced landing" means any unscheduled landing in which the aircraft must land or the landing is made under abnormal conditions which are beyond the pilot's control. For the purposes of this chapter, it also means any precautionary landing when made at other than a licensed aeronautical facility.

"Incident" means any occurrence, other than an accident, associated with the operation of an aircraft, which results in damage to the aircraft or to property on the ground, or injury to persons in the aircraft or on the ground. All forced landings in New Jersey are considered incidents. For the purpose of this chapter, parachuting activities which result in non-serious injury to the parachutist or to persons on the ground, or which result in damage to property on the ground also constitutes an incident.

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

"Precautionary landing" means an unscheduled landing that is made under circumstances in which the pilot has chosen to land rather than continue flight.

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

"Substantial damage", means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft and which would normally

require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this subchapter.

### **Investigation of Aircraft Accidents and Incidents**

The Division of Aeronautics shall conduct the investigation of all aircraft accidents and may conduct the investigation of any aircraft incident which occurs in New Jersey. All designated law enforcement officers of the Division of Aeronautics are authorized to conduct such investigations.

### **Investigation of Aviation Related Complaints**

The Division of Aeronautics is authorized to investigate any complaints related to aeronautical activities or flight operations to ensure the safety and protection of those participating in flight and the safety of persons and property on the ground.

### **Federal and State Cooperation**

In any circumstance where both federal and state officials are investigating an aircraft accident, incident, or complaint, the National Transportation Safety Board, the Federal Bureau of Investigation, or the Federal Aviation Administration respectively shall be the lead agency in the investigation. The Division of Aeronautics will participate in the investigation as the State's representative and may be designated as a party to the investigation.

### **Preservation of Evidence**

(a) The pilot or operator of any aircraft involved in an accident or incident shall preserve the scene to the maximum extent possible.

(b) Should the pilot or operator not be capable of such actions, the first law enforcement agent on the scene is responsible for preserving the wreckage and the scene.

(c) Should it be necessary to move or disturb portions of the wreckage to protect it from further damage, to protect the public from injury or to remove injured persons, the amount of disturbance of the wreckage must be minimized.

(d) Where it is necessary to disturb or move aircraft wreckage, sketches descriptive notes, photographs shall be made, if possible, of the accident scene including original positions and conditions of the wreckage and debris.

(e) Division of Aeronautics law enforcement officers may take possession of any wreckage or aircraft involved in an accident or incident, and may hold the wreckage or aircraft as evidence until the investigation has been completed, or until the evidence is transferred to the Federal Aviation Administration or National Transportation Safety Board.

### **Police and Departmental Cooperation**

(a) All State and local law enforcement personnel are authorized to enforce or assist the Division of Aeronautics in the enforcement of the provisions of N.J.S.A. Title 6 (Aviation) and all regulations, rules, and orders promulgated pursuant thereto.

(b) All Division of Aeronautics law enforcement personnel are authorized to advise any State and local law

enforcement officer regarding the enforcement of the provisions of N.J.S.A. Title 6 (Aviation) and all regulations, rules, and orders promulgated pursuant thereto.

### **16:60-2.2 Aircraft Accident Reporting Requirements**

(a) The operator of an aircraft or anyone observing an aircraft accident or with knowledge that an aircraft accident has just occurred shall **immediately** notify the New Jersey Division of Aeronautics through the Federal Aviation Administration (FAA) at **(718) 553-3100** or the New Jersey State Police at **609-882-2000**.

(b) The accident notification should contain the following information:

1. The location of the accident site including directions for responding emergency personnel;
2. Local contact name i.e. PD / EMS and phone # for Inspector to call for directions and further information;
3. The registration, "N" number i.e. (N12345) of the aircraft;
4. The number of persons on board, number and type of injuries to persons on the aircraft and on the ground;
5. Description of damage to aircraft and any property on the ground;
6. The name of the pilot and type of the aircraft, if known.
7. Time it was discovered or reported.

### **NOTE: The NTSB will be notified by the FAA Regional Duty Officer when required.**

(c) The pilot or aircraft operator of an aircraft involved in an **accident** shall, within 48 hours of the accident, complete and submit the New Jersey Department of Transportation Form DA-23, "Aircraft Accident Report" for any accident involving the operation of an aircraft which occurs in the State of New Jersey or its territorial waters. The report is to be submitted to the New Jersey Division of Aeronautics, PO Box 610, Trenton, NJ, 08625-0610.

[www.nj.gov/transportation/airwater/aviation/pdf/formDA23.pdf](http://www.nj.gov/transportation/airwater/aviation/pdf/formDA23.pdf)

### **16:60-2.3 Aircraft Incident and Forced Landing Reporting Requirements**

(a) The operator of an aircraft involved in an **incident** shall **immediately** notify the New Jersey Division of Aeronautics through the FAA at **718-553-3100** or the New Jersey State Police at **609-882-2000**.

(b) The operator of an aircraft involved in a **forced landing** in the State of New Jersey shall **immediately** notify the New Jersey Division of Aeronautics through the FAA at **718-553-3100** or the New Jersey State Police at **609-882-2000**.

(c) The incident or forced landing notification should contain the following information:

1. The location of the incident or forced landing site including directions for responding emergency personnel;
2. Local contact name if off-airport, i.e. PD / EMS and phone # for Inspector to call for directions and further information;
3. The registration, "N" number i.e. (N12345) of the aircraft;

4. The number of persons on board, number and type of injuries to persons on the aircraft and on the ground;
5. Description of damage to aircraft and property on ground;
6. The name of the pilot and type of the aircraft, if known;
7. Time it was discovered or reported.

(d) The pilot or aircraft operator of an aircraft involved in an incident or forced landing shall, within 72 hours of the incident, complete and submit the New Jersey Department of Transportation Form DA-23, "Aircraft Accident Report" for any incident which occurs in the State of New Jersey or its territorial waters. The report is to be submitted to the New Jersey Division of Aeronautics PO Box 610, Trenton, NJ, 08625-0610. Form DA-23 is incorporated herein by reference as Appendix A.

[www.nj.gov/transportation/airwater/aviation/pdf/formDA23.pdf](http://www.nj.gov/transportation/airwater/aviation/pdf/formDA23.pdf)

#### **16:60-2.4 Notification of next of kin**

Names of pilots or passengers who are seriously or fatally injured shall **not** be released until after positive notification of next of kin has been accomplished.

#### **16:60-2.5 Preservation of aircraft wreckage, mail, cargo, and records**

(a) The operator of an aircraft, or if the operator is incapable, the first law enforcement agent on the scene is responsible for preserving, to the greatest extent possible, any aircraft wreckage, cargo and mail aboard the aircraft, and all records pertaining to the operation and maintenance of the aircraft and to persons involved in the accident.

(b) Wreckage shall be disturbed only to the extent necessary:

1. To remove the person injured or trapped;
2. To protect the wreckage from further damage; and
3. To protect the public from injury.

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

(d) The aircraft wreckage shall be released for the period of the investigation to the first official that appears on the scene from the New Jersey Division of Aeronautics, Federal Aviation Administration (FAA), or National Transportation Safety Board (NTSB). In the event officials from both State and Federal governments are present, the Federal representatives shall take precedence.

**NOTE:** "Aircraft Wreckage" means any and all parts of the aircraft, cargo, aircraft documents and log books, airmen certificates and log books, personal effects, maps, charts, handheld GPS, etc. which are part of the accident scene.

#### **16:60-2.6 Witness Statements**

When determined necessary by a law enforcement official, New Jersey Department of Transportation Form DA-25, "Statement of Witness" shall be completed by any person who observed an aircraft accident or incident, or the events immediately preceding or following an accident or incident.

[www.nj.gov/transportation/airwater/aviation/pdf/formDA25.pdf](http://www.nj.gov/transportation/airwater/aviation/pdf/formDA25.pdf)

#### **16:60-2.7 Forced Landings**

In the event of a forced landing on other than a licensed aeronautical facility, for example, a highway, farm or field, a subsequent take-off is not permitted without the express authorization of the Division of Aeronautics which shall only be granted after a representative of the Division has adjudged the site to be safe for the type of aircraft and pilot experience involved. This permission cannot be granted by Federal or local officials. This section is non-waivable regardless of the fact that no aircraft damage was incurred or that the malfunction or mishap that caused the forced landing has been corrected.

### **RELEASE OF INFORMATION**

Any person who has reported an aircraft accident or incident or has knowledge of an aircraft accident or incident may **not** release any information regarding the accident or incident to the press without the specific approval of the Division of Aeronautics law enforcement officer or other official responsible for control or oversight of the accident investigation.

### **GENERAL ENFORCEMENT PROCEDURE**

#### **COMPLAINT OF AN ALLEGED VIOLATION**

1. Identification of the pilot and aircraft will undoubtedly be one of the difficulties experienced by local enforcement officers in the successful identification of alleged violations. Unlike automobile violations, an aircraft cannot be stopped and the alleged violators' identity determined. Difficulties will be experienced in determining the identity of the aircraft due to misidentification of the tail number, visibility, time of day or location. Even if the complaint occurs in the vicinity of an airport, it may not be possible to identify the aircraft or pilot immediately.

2. The local law enforcement agencies will find that alleged violations of safety regulations fall into two categories:

**(a)** those which are observed by law enforcement officers,

and **(b)** those which are brought to the officer's attention by complaints. In each situation the essential element is identification of the aircraft / pilot responsible for the alleged violation. In most situations, at the time the violation is observed the only information available is the make of the aircraft, and color and registration number such as (N12345) which appears on the fuselage or wing and tail. Even if the number of the aircraft is not known, identification may be obtained through a description of the aircraft. Identifying logos on helicopters, distinctive coloring or features such as a bi-wing, aerobatic maneuvering or design may assist in identification. Checking such information against known aircraft of the same kind and color based at local airports may provide identification of the probable aircraft involved and its operator. If the aircraft involved is not based at one of the local airports, it is probable that the aircraft was not locally owned. Please contact the NJ Division of Aeronautics in reference to these types of complaints at (609) 530-2900 during business hours or through the NJ State Police at (609) 882-2000 after business hours.

The procedures to be followed in bringing an enforcement action against the violator will, of course, be governed by the applicable laws of the particular jurisdiction. However, the procedure to follow is:

1. Obtain a written statement from the witness / witnesses detailing the nature of the complaint. This form (Accident / Incident Complaint) is available on the internet.

[www.nj.gov/transportation/airwater/aviation/pdf/formDA30.pdf](http://www.nj.gov/transportation/airwater/aviation/pdf/formDA30.pdf)

2. Provide Aircraft Registration number i.e. (N12345) or description / features / color of the aircraft.
3. Description of the exact maneuvers and direction of flight.
4. The approximate altitude of the aircraft.

5. Date and Time of the Incident

**FEDERAL AVIATION REGULATION (F.A.R.)**

**F.A.R. Part 91 General Operating and Flight Rules**

**91.119 Minimum Safe Altitudes: General.**

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) **Anywhere.** An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) **Over congested areas.** Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) **Over other than congested areas.** An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) **Helicopters.** Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator.

**AIRCRAFT ACCIDENT**

**ACTION CHECKLIST**

**I. PRIMARY ACTIONS**

1. Notify Emergency Medical Service (EMS), Fire and Police – **911**
2. Remove persons injured or trapped – If possible, render First Aid pending arrival of EMS
3. Notify NJ Division of Aeronautics through the **Federal Aviation Administration (FAA)** at **(718) 553-3100** or the **New Jersey State Police at 609-882-2000.**

A. Contents of Notification should include:

1. Location of Accident
2. Local Contact Name, i.e. PD# and directions
3. The “N” number of the aircraft
4. Number on board and injuries or fatalities
5. Description of damage to aircraft
6. Name of Pilot and type of aircraft
7. Time of the accident

**NOTE:** See Page 8 for specific Contents of Notification

## II. Secondary Actions

1. Preserve aircraft wreckage, mail, cargo and records, i.e. logbooks, airmen certificates, aircraft documents, personal effects, charts, handheld GPS, etc.
2. Obtain names and phone #'s of witnesses.
3. Obtain Accident/Incident Statement of Pilot

<http://www.nj.gov/transportation/airwater/aviation/pdf/formDA25-1.pdf>

4. Wreckage will be released to the first official on the scene from the New Jersey Division of Aeronautics, the FAA or NTSB.
5. Secure accident scene – **500 ft. minimum** from scene - **SPECTATORS AND MEDIA**

**NOTE:** The Federal agency will take precedence in the event of simultaneous arrival.

## III. Notification of next of kin

1. Next of kin **must** be notified prior to release of names to news media. Notification will be accomplished by the initial investigating agency.
2. Wreckage should be disturbed only to the extent necessary:

1. To remove person injured or trapped,
2. To protect the wreckage from further damage,
3. To protect the public from injury.