

Dean Iacopelli
PO Box 387
Mt. Sinai, NY 11766

Jennifer B. Pennington
Attorney, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036

Re: Response to DOT OIG Report on Dalton Departure

Dear Ms. Pennington:

The following represents my comments concerning the US Department of Transportation Office of Inspector General Report entitled “Teterboro Airport, NJ Dalton Departure Procedure” investigation number 110C000039SINV dated January 21, 2011.

I’ve pasted several direct quotes from the report in my response below, which I believe represent the substance of the FAA and DOT’s position. Many of these quotes and concepts are repeated throughout the report.

Report Page 3:

SYNOPSIS

“We found by a preponderance of the evidence that the Dalton Departure Procedure may pose a safety hazard, even though it is in compliance with air traffic safety regulations.”

COMMENT: This is perhaps the most telling statement in the document. The acknowledgement that the procedure, while procedurally in compliance is still a safety hazard is a strong indication that there is something wrong with this procedure. I have consistently maintained that the procedure, while in technical compliance with air traffic safety regulations, still intentionally places aircraft in unsafe proximity to other aircraft, in unsafe conditions, at the most critical phases of flight.

Report Page 4:

“Over the last 11 years, the number of reported Aviation Safety Reporting System (ASRS) incidents regarding this procedure has steadily increased from two in fiscal year (FY) 1999 to 11 in FY 2010 - a 450% increase.”

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A 450% increase in safety reports should be alarming on its own merits. This is yet another strong indication that there is something seriously flawed with the Dalton Departure procedure.

“The whistleblower provided an additional five incidents that occurred between April and May 2010 where pilots did not fly the procedure as designed.”

COMMENT: Please see email below in which I actually provided eleven (11) incidents to the DOT investigator.

From: Dean Iacopelli [mailto:deann90@aol.com]
Sent: Tuesday, August 10, 2010 3:17 PM
To: Garcia, Joseph
Cc: Barnet, Barbara
Subject: Re: Request your assistance regarding incidents your report during your interview
Importance: High

Mr. Garcia;

I have previously provided you timely notice on eleven (11) incidents regarding the Dalton Departure procedure. In most cases these incidents were brought to your attention within 24-hours of the event. These incidents were documented in email messages to you and included aircraft call signs, times, dates, locations and a brief explanation of the event.

The messages previously sent to you are as follows and were all submitted electronically:

Email dated March 24: Two (2) incidents documented
Email dated April 6: Four (4) incidents documented
Email dated April 7: One (1) incident documented
Email dated May 8: Four (4) incidents documented

If need me to resend you these messages, please let me know as they are readily available.

Thank you,

Dean Iacopelli
President, NATCA, New York TRACON
516-356-3983

COMMENT: Many of the above incidents involve aircraft complying with the Dalton Departure Procedure and coming in close proximity to heavy/large aircraft

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that generate wake turbulence. The standard IFR separation for being directly behind and/or below a large/heavy aircraft is 4 or 5 miles and/or 1,000 feet for large aircraft and 5 or 6 miles and/or 1,000 feet for heavy aircraft. In the instances identified below, all aircraft were operating within FAA guidelines. However, the Dalton Departure Procedure, by design, places these aircraft in unsafe proximity, directly below and behind wake turbulence producing aircraft, during the most critical phase of flight.

March 20, 2010:

1811z: N806AC (G-5) less than 1 mile directly behind a heavy B767 with 700-800 feet.

April 1, 2010:

1530z: VNR134 1-2 miles directly below and behind a heavy B767, less than 1000ft

1540z: PRBRS 3 miles directly below and behind a large 757 within 400ft.

1612z: EJA498 4 miles directly below and behind a heavy B767 within 400ft.

1630z: EJA705 2 miles directly below and behind a large B757 within 400ft.

April 6, 2010:

1352z: EJM 745/G4 1.6 miles and 200ft directly below and behind a heavy B757.

May 6th:

1244l: EJA687 2.5 miles and 500ft directly below and behind a large B757.

“However, we found no substantial evidence that pilots flying the Dalton procedure experienced safety issues as a result of wake turbulence from Newark arrivals.”

COMMENT: The above incidents clearly identify aircraft that are flying in unsafe proximity, directly below and behind wake turbulence producing aircraft. I’m not sure of the investigators definition of “substantial”, but absent an actual accident, the above is substantial evidence that is occurs.

FINDINGS

Dalton Departure Procedure

“The Dalton procedure was established at least 20 years ago by FAA and the Teterboro Users Group (TUG) as a means to reduce departure delays at Teterboro due to the volume of aircraft arriving at Newark. “

COMMENT: As indicated above, the Dalton Departure was designed to reduce departure delays. It was not designed to improve safety, but rather to improve efficiency and convenience at the expense of safety.

Report Page 5:

“The procedure allows pilots to depart Teterboro’s Runway 19 (Class D and E airspace) under visual flight rules (VFR) at the same time aircraft are arriving at Newark Airport directly above them in Class B airspace.”

COMMENT: This is the essence of what is fundamentally unsafe about this procedure. Aircraft in the critical departure phase of flight are instructed to climb

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directly under aircraft in the critical arrival phase of flight, without regard to wake turbulence. When filing an IFR flight plan, these same aircraft are required to be separated by 5-6 miles and/or 1,000 feet, however in the interest of efficiency and convenience, this requirement is waived and aircraft are knowingly placed in unsafe proximity to wake producing aircraft with the Agency responsible for regulating safety hiding behind the VFR rule of “see-and-avoid” navigation. Unfortunately, wake turbulence cannot be seen, to be avoided. The only way to avoid wake turbulence is to be either above it, which in the case of this procedure, aircraft are intentionally placed directly under wake producing aircraft or to be 5-6 miles away from wake producing aircraft, which again in this procedure is not possible as aircraft are intentionally placed directly below wake producing aircraft.

“During the procedure, the aircraft must maintain an altitude at or below 1,300 feet until the pilot is otherwise instructed by air traffic control. In addition, the special notice graphic includes a note advising pilots: “Caution wake turbulence. Newark arrivals descending overhead from 3,000 feet to 1,800 feet.”

COMMENT: As written above, these aircraft are intentionally and by design placed only 500 feet directly below and/or behind wake producing aircraft. This represents one-half of the required IFR separation for the very same aircraft in the very same location. It is reasonable for pilots to conclude that an FAA sanctioned procedure has built in safety mechanisms to protect them and their passengers. However, in this situation, the FAA is relying upon the pilots to protect them from that which they cannot see which is wake turbulence.

Report Page 6:

“In Class B airspace, VFR and IFR aircraft (non-heavy/Boeing 757s[B757]) must be separated by 500 feet vertical or 1.5 miles lateral and for heavy/B757 aircraft (wake), must be separated using IFR separation standards, which in most cases requires 1,000 feet vertical or 5 miles lateral.”

COMMENT: The above statement is somewhat confusing as it combines two different separation standards. The standard I’m raising, as being intentionally violated is the second half of the above sentence (underlined), which which deals with separation from wake producing aircraft. The standard separation is 1,000 feet or 5 miles lateral when in Class B airspace, regardless of whether aircraft are IFR or VFR. However, in the case of the Dalton Departure procedure, simply because the procedure requires the aircraft to remain 100 feet below the floor of Class B airspace, we provide them no separation. This is most significant point of my complaint. It is disingenuous and dangerous to ignore the hazards posed by wake turbulence by hiding behind a technicality and 100 feet from controlled airspace.

“It also requires controllers to issue wake turbulence cautionary advisories to VFR aircraft operating behind heavy or B757 aircraft regardless of the airspace”

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COMMENT: By memorandum dated March 14, 2008 the New York TRACON air traffic manager directed operational personnel to refrain from issuing such advisories. The following statement is taken directly from the March 14, 2008 memorandum: “Their conclusion was that since this procedure is voluntary, VFR, and outside of Class B airspace, and Teterboro Tower points out the traffic and gives a cautionary advisory, there is no obligation on our part to provide wake turbulence separation between the departure and traffic on final to RWY 22.” The memorandum then closes with the following statement: “Therefore, do not reiterate the Dalton Departure 280 heading or issue a vector to the departure until west of the EWR RWY 22 localizer, unless wake turbulence is not a factor.” The last sentence is very disturbing as the FAA manager is directly advising employees to do nothing if in fact wake turbulence IS a factor.

COMMENT: Pages 6-10 address the safety hazards associated with pilot non-compliance with the Dalton Departure procedure. There is not dispute that pilots are regularly confused and often violate the procedure. It is a complicated procedure that occurs in extremely congested airspace. The fact that so much time and attention must be paid to assisting pilots in understanding the procedure and the dangers of failing to comply with those procedures is yet another indication that the procedure is dangerously flawed.

Report Page 12:

“For IFR aircraft (those under the control of air traffic), FAA Order 7110.65T, paragraph 5-5-4e, requires controller to separate aircraft operating directly behind heavy aircraft by five miles laterally unless the trailing aircraft is 1,000 feet or more below the aircraft. In addition, paragraph 7-9-4, requires these same wake separation standards be applied between VFR and IFR aircraft in Class B airspace. However, because aircraft departing Teterboro are operating under VFR rules in Class D or E airspace, the IFR wake separation standards do not apply.”

COMMENT: Again, the very nature of my complaint is described above. The FAA and the DOT acknowledge the requirement to provide 5 miles or 1,000 feet separation to aircraft operating directly behind heavy aircraft. These same organizations acknowledge that the procedure places aircraft departing Teterboro directly behind and below heavy aircraft. These same organizations state openly: “We found by a preponderance of the evidence that the Dalton Departure Procedure may pose a safety hazard, even though it is in compliance with air traffic safety regulations.” This statement effectively means that they acknowledge the procedure is unsafe, even though it is technically compliant with FAA standards. That is the very nature of my complaint.

In summary I believe the investigations finding support my complaint, however, report fails to reach the logical and safe conclusion that the procedure is inherently unsafe. The FAA and the DOT IG are willing to implement additional training, additional notices, additional briefings all intended to educate pilots and controllers of the importance to comply with the restrictions of the procedure as serious consequences may result by

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failing to do so. However, as evidenced by the many statements identified above and throughout the report, compliance with the procedure and technical compliance with air traffic safety procedures does not make this procedure safe. It continues to "*pose a safety hazard, even though it is in compliance with air traffic safety regulations.*"

Thank you for the opportunity to provide comments to the report. If you require additional information, please feel free to contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'Dean Iacopelli', with a stylized flourish at the end.

Dean Iacopelli