



**MINISTRY OF TRANSPORT, CONSTRUCTION  
AND MARITIME ECONOMY  
State Commission on Aircraft Accident Investigation**

**Occurrence reference No: 950/11**

## **RESOLUTION**

of

**State Commission on Aircraft Accident Investigation** in the following composition:

Chairman of the meeting	
Chairman of the Commission:	D. (Eng.) Maciej Lasek
Secretary of the Commission:	D. (Eng.) Dariusz Frątczak
Member of the Commission:	D. ( Eng.) Stanislaw Żurkowski
Member of the Commission:	MSc (Eng.) Ryszard Rutkowski
Member of the Commission:	MSc Tomasz Kuchciński
Member of the Commission:	MSc (Eng.) Bogdan Fydrych
Member of the Commission:	BA Robert Ochwat

At the meeting held on 22 May 2013, after examination of circumstances of the air occurrence involving two AS 335 and a Bell 206 helicopter which occurred on 31 July, 2011, in the Control Zone of EPWA aerodrome, acting under **Article 5 par. 3 of the Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC** (EU Journal of Laws L. 2010.295.35), the State Commission on Aircraft Accident Investigation recognized the information provided in the Final Report of the State Air Traffic Management Authority as sufficient and decided to close the investigation.

### **Course and circumstances of the occurrence:**

Temporary Reserved Area (TRA) was notified in the EPWA aerodrome Control Zone (CTR). Due to the national celebrations any flights except scheduled flights, HEAD/STATE flights and state aircraft flights were forbidden in the TRA.

While the TRA was active two AS 335 helicopters operated in the vicinity transmitting a TV report. One of the AS 335 helicopters reported on the EPWA TWR frequency and informed about the presence of the other AS 335 and the frequency of 130,050 MHz to communicate with it. A police helicopter Bell 206 also reported on the EPWA TWR frequency. AS 335 crew requested an air traffic controller to communicate to Bell 206 crew the frequency of AS 335 helicopters mutual communication i.e. 130,050 MHz. The controller forwarded to the Bell 206 crew wrong frequency of 130,850 MHz. AS 335 helicopter crew requested EPWA TWR a clearance to climb to 2500-3000ft,

in the APP Warsaw area of responsibility. They received the requested clearance and established communication with the approach control.

In the course of the further flight, AS 335 helicopters infringed the TRA zone. EPWA TWR controller observed the infringement on the radar screen and unsuccessfully tried to communicate with the AS 335 helicopters. TWR ATCo requested the Bell 206 crew to inform the AS 335 crews of their TRA infringement. Bell 206 crew learned about activation of the TRA zone from the TWR ATCo. Due to an error in forwarding frequency, mutual radio communication between the AS 335 crews was not established.

As a result of coordination between TWR and APP controllers, the helicopters crews received instructions to leave the TRA.

According to arrangements with the TWR controller, after leaving the altitude of 2000 feet the helicopters again reported to EPWA TWR, where they were informed about existence of the TRA and its infringement.

According to the Filed Flight Plan (FPL) the AS 335 helicopter pilots were to perform a flight along the route:

- take off from EPBC aerodrome, then ZULU, NOVEMBER waypoints and OSCAR waypoint over which they were to stay two hours to transmit the TV report of the cycling race;
- after completing the TV transmission they were to fly back to EPBC aerodrome over NOVEMBER and ZULU waypoints.

According to the information recorded in the radar system the AS 335 pilots did not comply with the FPL and infringed active TRA (NOTAM below).

**NOTAM Text**

(D1267/11 NOTAMN

Q) EPWW/QRALW/IV/NBO/W /000/065/5214N02100E003

A) EPWW B) 1107311000 C) 1108011400

D) 31 JUL 1000-1900 AND 01 AUG 1100-1400

E) TEMPORARY AIRSPACE RESERVATION WILL TAKE PLACE:

LATERAL LIMITS (WGS-84):

CIRCLE RADIUS 3KM CENTERED ON POINT: 521355N 0210020E.

VERTICAL LIMITS:

UPPER: 2000M (6500FT) AMSL

LOWER: GND

FLIGHTS OF ALL TYPES OF ACFT ARE PROHIBITED WITHIN THE AREA EXCEPT SCHEDULED FLIGHTS AND NON-SCHEDULED CHARTER FLIGHTS, FLIGHTS WITH STS HEAD AND STATE, RESCUE AND FIRE FIGHTING FLIGHTS AND STATE AVIATION.

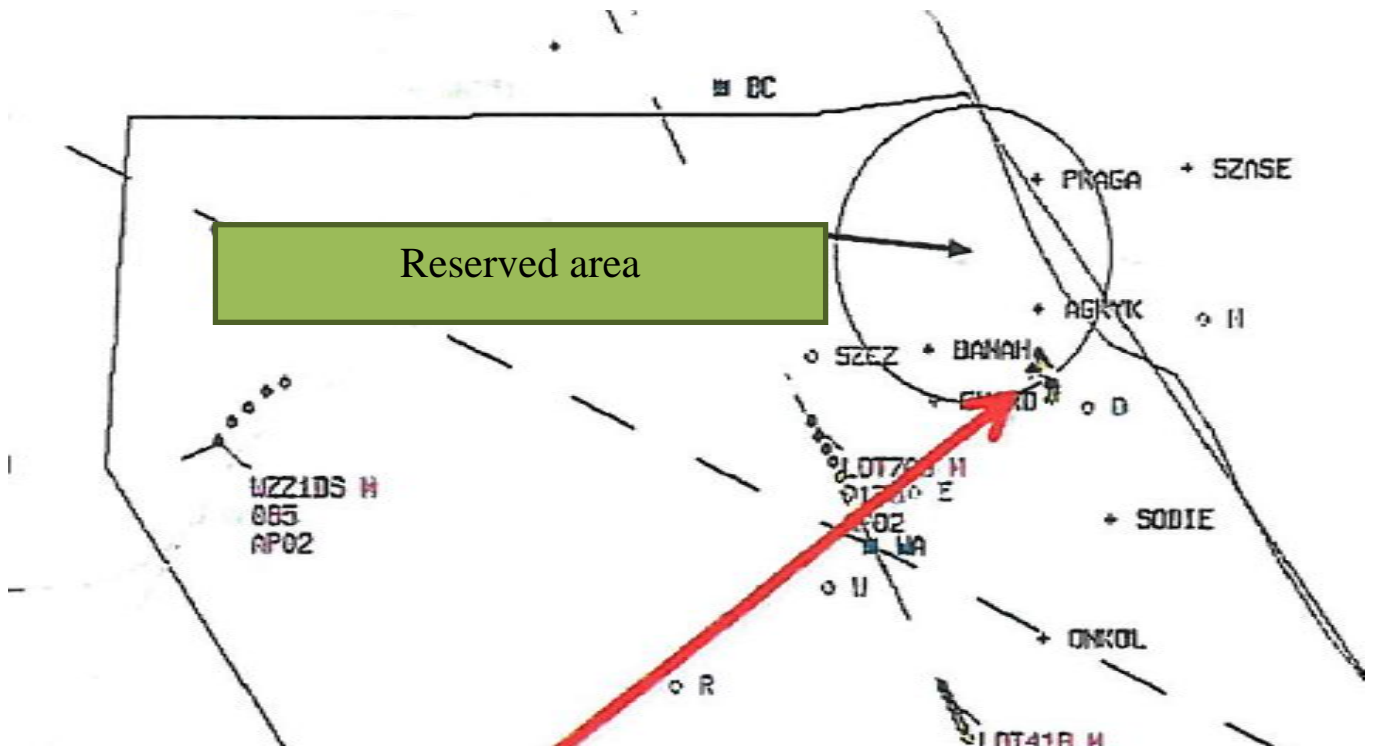
F) GND G) 6500FT AMSL)

**NOTAM RC Text**

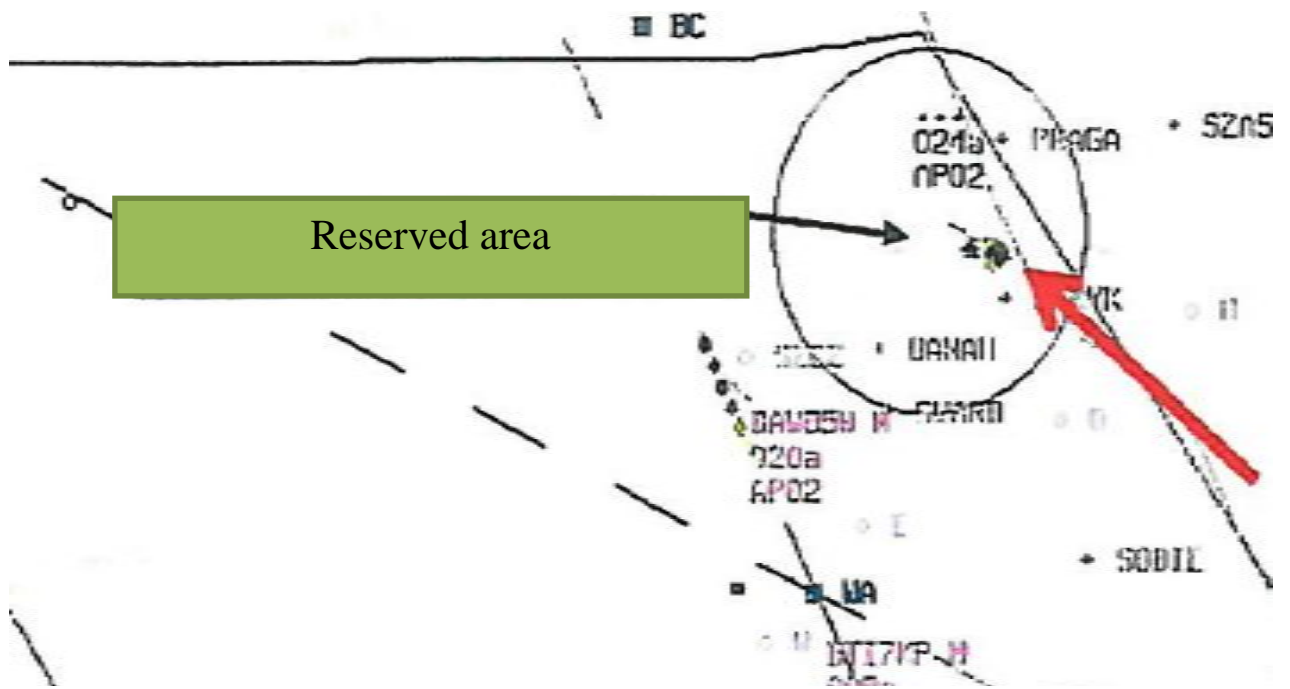


Planned route of AS 335 helicopters according to FPL.

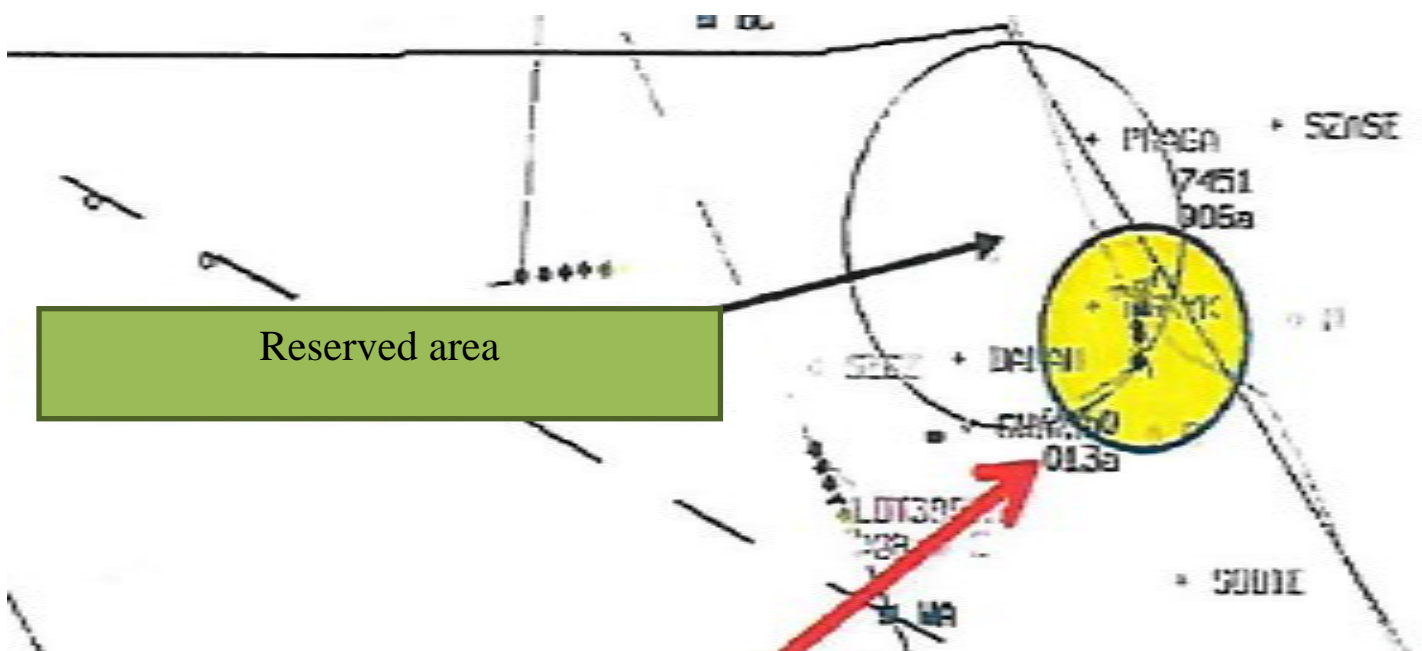
Radar screen shots showing TRA infringement:



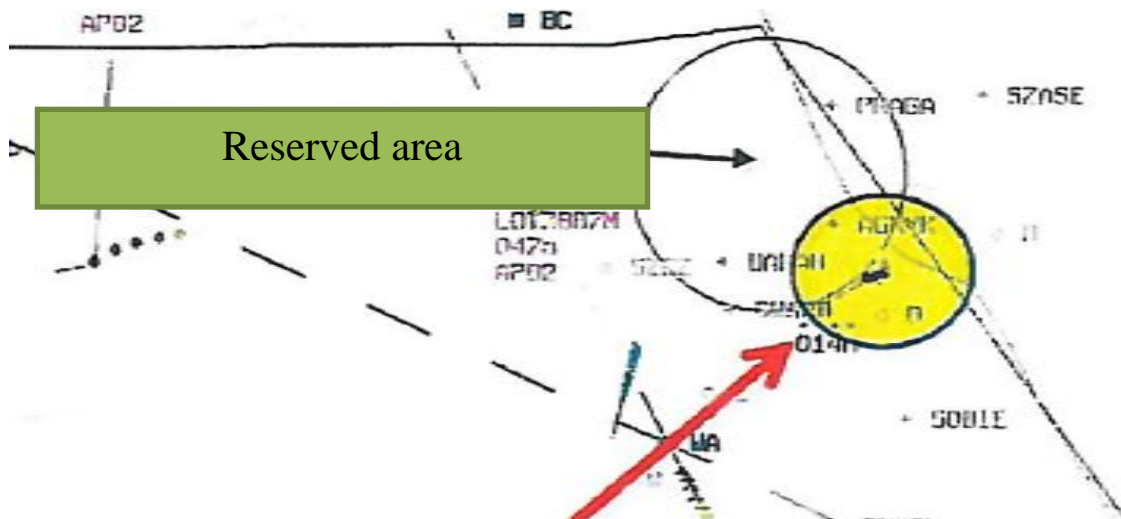
10:05 hrs UTC



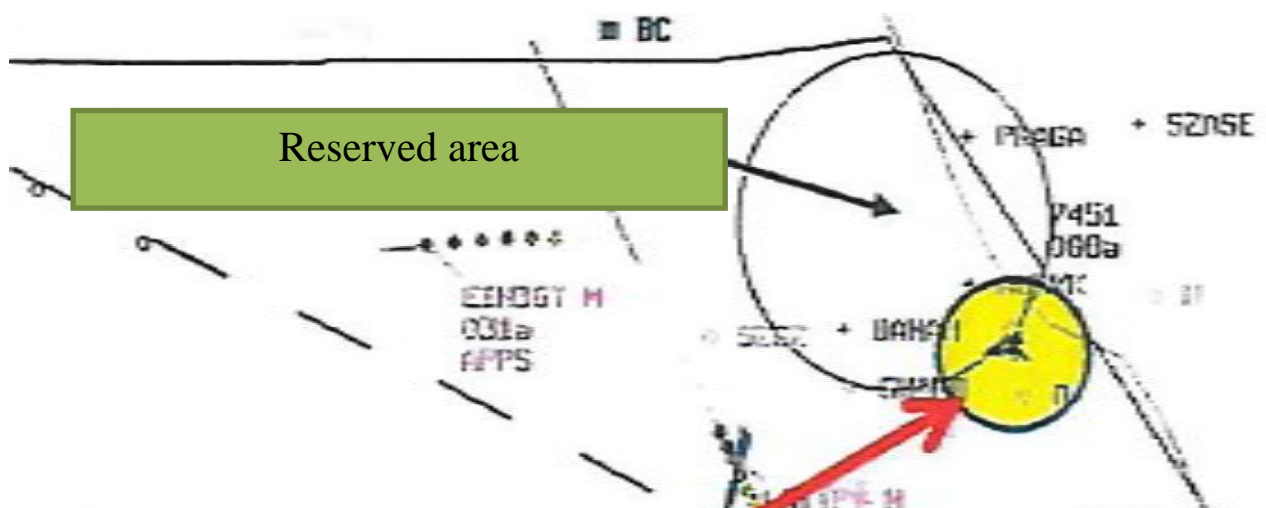
10:13 hrs UTC



10:17:50 hrs UTC



*10:18:47 hrs UTC*



*10:24:10 hrs UTC*

**Causes of the air incident:**

1. Performing flight by the AS 335 pilots contrary to the Filed Flight Plan.
2. Infringement of the TRA by the AS 335 pilots, which probably resulted from ignoring acquaintance with air traffic restrictions in the area of operation.

**Circumstances contributing to the occurrence:**

1. Incorrect radio frequency forwarded to AS 335 pilots.
2. Inadequate coordination between air traffic control units.

The Commission formulated the following **safety recommendations**:

**Civil Aviation Authority \*:**

Because this incident was again caused by the Trans Helicopter Service pilots in the course of flights for transmitting cycling race, the Commission recommends that the next permit to carry out this kind of flights should oblige the pilots to arrange details with the appropriate ATS authority prior to the flights execution.

**The aeronautical authorities of the French Republic\***:

Remind Trans Helicopter Service pilots the obligation to get acquainted with the traffic situation in the area of operations and to comply with the Filed Flight Plan and air rules applicable in the airspace of the respective countries.

**Commission comment:**

The Commission notes further contrary to the provisions of air traffic rules performance of flights by the pilots of the aforementioned operator. The previous incidents also occurred when providing TV transmissions in 2007 and 2010. Their reference numbers are:

- 404/2007 - serious incident which resulted in near collision with an airliner in the air;  
and
- 850/2010 – incident involving infringement of an aerodrome control zone.

**Investigator-in-Charge**

Robert Ochwat *signature*

\* - in accordance with Article 18 of the Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (EU Journal of Laws L. 2010 No 295 item 35) the addressee of a safety recommendation shall inform the State Commission on Aircraft Accident Investigation within 90 days of the receipt of that letter, of the actions taken or under consideration, and where appropriate, of the time necessary for their completion and where no action is taken, the reasons therefor.

Address: Ministerstwo Transportu, Budownictwa i Gospodarki Morskiej, Państwowa Komisja Badania Wypadków Lotniczych, ul. Chałubińskiego 4/6, 00-928 Warszawa.