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FAA to pay \$4.5 million in Torrance helicopter crash settlement

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LOS ANGELES, CA (September 24, 2008) - The United States Department of Transportation's Federal Aviation Administration agreed to pay \$4.5 million in damages to the survivor, Gavin Heyworth, of the November 6, 2003 helicopter crash at Torrance Municipal Airport.

In May 2008, after a seven day trial in United States District Court, Central District of California, the Honorable Florence-Marie Cooper ruled that in *Melanie Bailey, et. al. v. United States of America Department of Transportation (Federal Aviation Administration)* - Case #CV 06-1191 FMC(VBKx) the FAA was 100 percent liable for the helicopter crash in front of the Control Tower due to Air Traffic Controller error and negligence.

"For the last five years Gavin's life has been centered around healing and this trial," said Los Angeles plaintiff attorney James Pocrass of Pocrass, Heimanson and Wolf. "My wish is that this settlement allows Gavin closure so he can go on with his life. Unfortunately, though only 27 years old, Gavin will live with the pain of his injuries for the rest of his life."

"I'm not the same person I was the day I climbed into that helicopter," said Heyworth. "I'm no longer capable of doing what I could do as a Marine. I'm essentially a young man in an old man's body. Now I have to redefine my life."

In this case, the recording of the taped instructions clearly shows two confused traffic controllers not communicating with each other and giving inaccurate instructions to the pilots that culminated in the death of two people and in the third receiving severe life-long injuries.

"We were able to demonstrate that fault resided solely with the controllers," said Jeffrey Wolf, co-counsel on the Heyworth case. "The controllers' instructions to the pilots placed the two helicopters on a collision course, and, from their respective positions, the pilots could not see one another."

With the ruling of 100 percent liability, the court concurred that the air traffic controllers were negligent for the crash due to a series of errors made while the helicopters were in controlled air space. When the fateful incident began, the Control Tower was short one controller and there was only one controller responsible for the airspace over the two runways.

Recognizing that the controller was in trouble, the controller in charge required that another controller return early from break to assist. However, they failed to coordinate with each other or to perform a mandated Position Relief Briefing. The controllers became confused, giving the two helicopters a series of instructions, which placed the helicopters on a collision course.

The crash occurred directly in front of the Control Tower. The controllers had an unobstructed view of the airfield and of the helicopters as they headed toward each other. Yet for 18 seconds just prior to the crash, the voice recording of the controllers is silent, with no traffic information given to either helicopter.

"As a pilot myself, I sincerely hope the FAA takes action to ensure Torrance Airport controllers are properly trained, monitored and able to do their jobs," said Pocrass, "otherwise the safety of pilots and passengers is always at risk."

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