



INTERIM STATEMENT

MAL/2022/04/26/INTR/01

Nigerian Safety Investigation Bureau

Interim Statement on the Incident involving an EMB-135BJ aircraft registered 5N-BXK operated by Max Air Limited and a parked ATR 42 aircraft registered NAF 930 operated by Nigerian Air Force which occurred on the apron of the General Aviation Terminal of Nnamdi Azikiwe International Airport Abuja; Nigeria on 26th April, 2022.

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On 26th January, 2022, at 09:02:13 h, an ERJ-135BJ aircraft with nationality and registration marks 5N-BXK and operated by Max Air Limited requested for Engine Start clearance for a chartered flight from Nnamdi Azikiwe International Airport, Abuja (DNAA) to Margaret Ekpo Airport Calabar (DNCA) having fuel endurance of 6 hours. On board the aircraft were six passengers and three crew members, including the Pilot, Co-pilot and Cabin Crew. The Pilot was the Pilot Flying (PF) while the Co-Pilot was the Pilot Monitoring (PM). The aircraft was parked at an unmarked position on the Apron of General Aviation Terminal (GAT) the previous day.

At 09:03:00 h, Air Traffic Control (ATC) responded "5N-BXK QNH 1012 temperature 28° time 08:03 (UTC) squawk 0407 Runway 22 start is approved" and 5N-BXK acknowledged the clearance.

At 09:06:18 h, the flight crew completed the AFTER START Checklist and at 09:06:26 h, requested for Taxi Clearance. ATC cleared 5N-BXK to taxi to Holding Point Runway 22 (RWY 22) and the flight crew acknowledged the clearance. At this moment, there was no Ground Handling Agent of Max Air to assist the flight crew with wingtip clear watch during the taxi and the only Marshaller on duty at the General Aviation Terminal (GAT)/Cargo Apron was attending to another aircraft which required marshalling services.

At 09:07:08 h, 5N-BXK commenced taxi from its parking spot at a Bay on the GAT/Cargo Apron to the Holding Point RWY 22.

During the taxi out of the Apron, the Cockpit Voice Recorder (CVR) recording indicated that the flight crew discussed about the tightness of available space to taxi¹. The PM

¹ At the time of the taxi, the General Aviation Terminal/Cargo Apron was congested with several aircraft parked on both sides of the Apron Taxi Lane, so each of the flight crew had to maintain wingtip clear watch on his side.

watched the right side to ensure wingtip was clear of the several parked aircraft along the way and kept reporting to the PF that the right side was clear.

At 09:07:17 h, as 5N-BXK came close to where an ATR 42 (NAF930) was parked², the PF expressed concern that the space available became tighter. At this point, the PM informed the PF that there was space on the right side and advised the PF to move towards the right. The PF acknowledged and asked if there was space on the right side and the PM responded "a little to the right sir, you have space in the right".

At 09:07:47 h, the flight crew expressed concern that, some people³ on ground were just standing there and watching without rendering any assistance to 5N-BXK. Meanwhile, the Nigerian Airforce personnel revealed during post occurrence interview that, as they saw 5N-BXK approaching, they split into three groups to the right and left sides to watch the wingtip clear, and in front of the aircraft to attract the attention of the crew. According to them, when 5N-BXK came nearer to them, it was apparent to them that the left wingtip of 5N-BXK was not clear of the parked NAF ATR42 tail. They passed signals to the flight crew to stop taxi. The flight crew did not respond to the signals to stop taxiing.

At 09:08:08 h, ATC advised 5N-BXK to exercise caution taxiing around traffic and the flight crew acknowledged it.

At 09:08:22, the PF asked if right was clear and the PM responded "Yes sir, right is clear, you can go straight first then you turn. You are clear on this side. Go straight first".

At 09:08:29 h, as the PF commenced left turn to exit the apron, the left winglet of 5N-BXK struck the Tail Cone of the parked ATR42 aircraft.

At 9:08:31 h, 5N-BXK came to a stop and the PF indicated that the flight was cancelled and instructed PM to stop the engines.

² ATR 42 NAF930 arrived GAT Apron at about 08:30 h was marshalled by NAF personnel to park at an unmarked spot at the edge of the active Apron. At the time of the incident there was no person on board the ATR 42.

³ The Nigerian Air Force (NAF) always maintains a number of its personnel at the GAT/Cargo Apron to keep watch on NAF aircraft that are parked there.

All persons on board 5N-BXK disembarked the aircraft normally without injury.

The incident occurred at 09:08:30 h, in daytime Visual Metrological Condition (VMC).

ACTION

The draft final report has been completed. The technical review will be conducted and subsequently, it will be sent to stakeholders for substantial comments.

This interim report is being issued on the 1st anniversary of the serious incident in accordance with the provisions of ICAO Annex 13.

In accordance with Annex 13 to the Convention on International Civil Aviation, Civil Aviation Act 2006, Civil Aviation (Investigation of Air Accident and Incidents) Regulations 2019, the sole purpose of this Investigation is to prevent Aviation accidents and serious incidents. It is not the purpose of any such investigation and the associated Investigation report to apportion blame or liability.