



National Transportation Safety Board Aviation Accident Final Report

Location:	La Vista, NE	Accident Number:	CHI06FA057
Date & Time:	12/28/2005, 2357 CST	Registration:	N9072J
Aircraft:	Piper PA-28-180	Aircraft Damage:	Destroyed
Defining Event:		Injuries:	3 Fatal
Flight Conducted Under:	Part 91: General Aviation - Personal		

Analysis

The airplane, piloted by a non-instrument rated private pilot, was destroyed on impact with terrain after takeoff. A witness stated, "I spoke with the waitress on duty [Wednesday December] 28, 2005. She informed me that [the pilot] ordered 2 Crown Royal whiskey and diet Cokes between the hours of 7:30 PM and 9:30 P.M. After 9:30 he only ordered diet Coke." At 2355, recorded radar returns showed an airplane with an encoding transponder on a standard Visual Flight Rules (VFR) 1200 beacon code, about one-half nautical mile (NM) southeast of the departure airport's runway 12 at pressure altitude of 1,400 feet. The location of the first return was consistent with a departure from runway 12. The flight's radar returns indicated that the airplane was in a climbing right turn. The flight's climbing right turn crossed its departure path from runway 12. The flight climbed to a maximum pressure altitude of 2,200 feet, which was followed by a descending right turn. The last recorded return was at 2357 about one and one-half NM southeast of the departure airport at pressure altitude of 1,800 feet. That target disappeared from radar after 2357. No pre-impact anomalies were detected with the airframe or engine. A Final Forensic Toxicology Accident Report on the pilot stated: "47 (mg/dL, mg/hg) ETHANOL detected in Liver; 43 (mg/dL, mg/hg) ETHANOL detected in Muscle." Federal Aviation Administration (FAA) regulation part 91.17 Alcohol or drugs, in part, stated, "(a) No person may act or attempt to act as a crewmember of a civil aircraft - (1) Within 8 hours after the consumption of any alcoholic beverage; (2) While under the influence of alcohol; ... (b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs (except a medical patient under proper care) to be carried in that aircraft." The pilot had noted on his last application for airman medical certificate almost a year prior to the accident that he was experiencing anxiety due to a divorce and was using alprazolam (a prescription anti-anxiety medication) as needed, bupropion (a prescription antidepressant), and chlorpheniramine (an over-the-counter sedating antihistamine) seasonally. The FAA's Guide for Aviation Medical Examiners notes that ... "any airman who is undergoing continuous treatment with ... anxiolytics, ... moodameliorating, ... sedating antihistaminic ... drugs ... must be deferred certification unless the treatment has previously been cleared by FAA medical authority." However, the pilot was issued a medical certificate. That issuance was not in compliance with this guidance. The FAA does not appear

to have detected or corrected the error.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: The non-instrument rated pilot not maintaining aircraft control and not maintaining altitude/clearance from terrain during takeoff into instrument meteorological conditions. Contributing factors were the low ceilings, night conditions present, and the pilot's improper decision to depart into known instrument meteorological conditions.

Findings

Occurrence #1: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: TAKEOFF

Findings

1. (F) WEATHER CONDITION - LOW CEILING
2. (C) AIRCRAFT CONTROL - NOT MAINTAINED - PILOT IN COMMAND
3. (F) IMPROPER DECISION - PILOT IN COMMAND
4. INADEQUATE SUBSTANTIATION PROCESS, INSUFF REVIEW - FAA(ORGANIZATION)
5. (F) LIGHT CONDITION - NIGHT
6. (C) ALTITUDE/CLEARANCE - NOT MAINTAINED - PILOT IN COMMAND
7. TERRAIN CONDITION - GROUND
8. PROCEDURES/DIRECTIVES - NOT FOLLOWED - PILOT IN COMMAND

Factual Information

HISTORY OF FLIGHT

On December 28, 2005, about 2357 central standard time, a Piper PA-28-180, N9072J, piloted by a non-instrument rated private pilot, was destroyed on impact with terrain near La Vista, Nebraska, after a takeoff from runway 12 at the Millard Airport (MLE), near Omaha, Nebraska. The personal flight was operating under 14 Code of Federal Regulations Part 91. Night instrument meteorological conditions prevailed at the time of the accident. No flight plan was on file. The pilot and two passengers were fatally injured. The flight was originating at the time of the accident and was destined for the Abilene Municipal Airport, near Abilene, Kansas.

Fueling records showed that the airplane was fuelled with 15 gallons of aviation gasoline at MLE on December 28, 2005. A taxicab driver reported that he drove the pilot and two passengers to MLE about 2330 from a dancing establishment that night.

A manager from the dancing establishment, in part, stated:

I spoke with the waitress on duty [Wednesday December] 28, 2005.
She informed me that [the pilot] ordered 2 Crown Royal whiskey
and diet Cokes between the hours of 7:30 PM and 9:30 P.M. After
9:30 he only ordered diet Coke.

The flight's radar returns were viewed at the Federal Aviation Administration's (FAA) Omaha Terminal Radar Approach Control (TRACON) facility. At 2355, the TRACON's radar antenna began recording an aircraft's radar returns with an encoding transponder on a standard Visual Flight Rules (VFR) 1200 beacon code, about one-half nautical mile (NM) southeast of MLE's runway 12 at pressure altitude of 1,400 feet. The location of the first return was consistent with a departure from runway 12. The flight's radar returns indicated that the airplane was in a climbing right turn. The flight's climbing right turn crossed its departure path from runway 12. The flight climbed to a maximum pressure altitude of 2,200 feet, which was followed by a descending right turn. The last recorded return was at 2357 about one and one-half NM southeast of MLE at pressure altitude of 1,800 feet at latitude 41 degrees 10.750 minutes North and longitude 96 degrees 5.483 minutes West. That target disappeared from radar after 2357. A radar plot is appended to the docket material associated with this case.

PERSONNEL INFORMATION

The pilot held a private pilot certificate with a single-engine land rating issued on May 2, 2005. The pilot held a third-class medical certificate with no restrictions dated January 17, 2005. On the application for that medical certificate, he reported that he had accumulated a total of 18 hours of flight time and 10 hours of flight time in the six months prior to that application. The pilot recorded that he had accumulated about 267 hours of total flight time in his logbook.

AIRCRAFT INFORMATION

N9072J was a 1966 Piper PA-28-180, Cherokee, serial number 28-3108, single-engine, low-wing airplane. Its engine was a 180-horsepower Lycoming O-360-A3A engine, serial number

L-9321-36A. Its propeller was a fixed-pitch, Sensenich M76EM8S5-0-60, with serial number K21007K. The airplane contained an airworthiness certificate dated February 16, 1966 and a registration certificate dated July 23, 2001. The airplane's logbooks showed that the last annual inspection was completed on June 3, 2005. The airplane had accumulated 5,434.8 hours of total time at that inspection.

METEOROLOGICAL INFORMATION

At 2310, the recorded weather at MLE was: Wind 350 degrees at 3 knots; visibility 2 statute miles; present weather mist; sky condition overcast 300 feet; temperature 1 degree C; dew point 0 degrees C; altimeter 29.81 inches of mercury.

At 2330, the recorded weather at MLE was: Wind calm; visibility 1 1/2 statute miles; present weather mist; sky condition overcast 300 feet; temperature 1 degree C; dew point 0 degrees C; altimeter 29.81 inches of mercury.

At 2350Z, the recorded weather at MLE was: Wind calm; visibility 1 1/4 statute miles; present weather mist; sky condition overcast 300 feet; temperature 1 degree C; dew point 0 degrees C; altimeter 29.81 inches of mercury.

WRECKAGE AND IMPACT INFORMATION

The wreckage was found in a field about a mile and one-half southeast of MLE on December 29, 2005 at latitude 41 degrees 10.752 minutes North and longitude 96 degrees 5.672 minutes West. The wreckage debris field was about 300 feet long and was orientated on about a 305-degree magnetic heading. The start of the path had about a five-foot ground scar that contained green media and a deformed navigation light cover. The engine and propeller were found impacted in terrain about 26 feet from the start of the wreckage path. The nose gear was found about 80 feet from the start of the path. The fuselage and empennage were found about 168 feet from the start. The furthest found piece of the wreckage was a section of the exhaust about 300 feet from the start of the path. A damaged beer can was found in the wreckage path and a crushed plastic bottle of Black Velvet whiskey was found in the pilot's inner jacket pocket.

An on-scene investigation was conducted. The control cables for the flight controls were traced. All breaks found were consistent with overload. Flight control continuity was established. Engine controls were traced and engine control continuity was established. The engine's propeller flange was rotated with a lever and crankshaft and camshaft continuity were established. The number four cylinder produced a thumb compression. A propeller blade revealed S-shaped bending and leading edge nicks. Both magnetos produced sparks at all leads. A blue liquid that smelled like aviation gasoline was found in the fuel selector valve. No pre-impact anomalies were detected with the airframe or engine.

MEDICAL AND PATHOLOGICAL INFORMATION

The following medical information was extracted by the National Transportation Safety Board's (NTSB) Medical Officer, from records maintained on the pilot by the FAA Aerospace Medical Certification Division:

11/20/00 - The pilot's first Application for 3rd Class Medical Certificate and Student Pilot Certificate indicated "yes" in response to "Do you currently use any medication" and indicated only "Alupent [metaproterenol] as needed."

1/17/05 - The pilot's most recent and only other Application for 3rd Class Medical Certificate and Student Pilot Certificate indicated "yes" in response to "Do you currently use any medication" and indicated "Wellbutrin [bupropion]," "Alupent - as needed," "Alprazolam [sic] - as needed," and "Deconamine [chlorpheniramine, pseudoephedrine] - seasonal." For each of the first three medications, under "Previously Reported" is noted "Yes." Under "Comments on History and Findings" is noted "HIS DOCTOR IS FOLLOWING HIM FOR RECENT ANXIETY OVER DIVORCE. NO SUICIAL [sic] INTENTIONS. NO ALPRAZOLUN [sic] WHEN FLYING." The Application noted that the pilot was issued a Medical and Student Pilot Certificate with no restrictions.

The FAA records did not note any FAA requests for additional information from the date of the most recent application to the date of the accident.

An autopsy was performed on the pilot at the Douglas County Coroner's Office on December 30, 2005.

The FAA Civil Aeromedical Institute prepared a Final Forensic Toxicology Accident Report. The report stated:

47 (mg/dL, mg/hg) ETHANOL detected in Liver
43 (mg/dL, mg/hg) ETHANOL detected in Muscle

ADDITIONAL DATA/INFORMATION

The parties to the investigation included the FAA, Textron Lycoming, and The New Piper Aircraft, Inc.

The aircraft wreckage was released to a representative of the insurance company.

FAA regulation part 91.17 Alcohol or drugs, in part, stated:

(a) No person may act or attempt to act as a crewmember of a civil aircraft -

(1) Within 8 hours after the consumption of any alcoholic

beverage;

(2) While under the influence of alcohol;

(3) While using any drug that affects the person's faculties in any way contrary to safety; or

(4) While having .04 percent by weight or more alcohol in the blood.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs (except a medical patient under proper care) to be carried in that aircraft.

The FAA's Guide for Aviation Medical Examiners, in part, stated:

For ... any airman who is undergoing continuous treatment with anticoagulants, antiviral agents, anxiolytics, barbiturates, chemotherapeutic agents, experimental hypoglycemic, investigational, mood-ameliorating, motion sickness, narcotic, sedating antihistaminic, sedative, steroid drugs, or tranquilizers must be deferred certification unless the treatment has previously been cleared by FAA medical authority.

Pilot Information

Certificate:	Private	Age:	45, Male
Airplane Rating(s):	Single-engine Land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	Seatbelt
Instrument Rating(s):	None	Second Pilot Present:	No
Instructor Rating(s):	None	Toxicology Performed:	Yes
Medical Certification:	Class 3 Without Waivers/Limitations	Last FAA Medical Exam:	01/01/2005
Occupational Pilot:		Last Flight Review or Equivalent:	05/01/2005
Flight Time:	267 hours (Total, all aircraft), 61 hours (Last 90 days, all aircraft), 25 hours (Last 30 days, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	Piper	Registration:	N9072J
Model/Series:	PA-28-180	Aircraft Category:	Airplane
Year of Manufacture:		Amateur Built:	No
Airworthiness Certificate:	Normal	Serial Number:	28-3108
Landing Gear Type:	Tricycle	Seats:	4
Date/Type of Last Inspection:	06/01/2005, Annual	Certified Max Gross Wt.:	2450 lbs
Time Since Last Inspection:		Engines:	1 Reciprocating
Airframe Total Time:	5434.8 Hours as of last inspection	Engine Manufacturer:	Lycoming
ELT:	Installed	Engine Model/Series:	O-360-A3A
Registered Owner:	Aerorelease of America Inc.	Rated Power:	180 hp
Operator:	Aerorelease of America Inc.	Operating Certificate(s) Held:	None

Meteorological Information and Flight Plan

Conditions at Accident Site:	Instrument Conditions	Condition of Light:	Night
Observation Facility, Elevation:	MLE, 1051 ft msl	Distance from Accident Site:	2 Nautical Miles
Observation Time:	2350 CST	Direction from Accident Site:	315°
Lowest Cloud Condition:		Visibility	1.25 Miles
Lowest Ceiling:	Overcast / 300 ft agl	Visibility (RVR):	
Wind Speed/Gusts:	Calm /	Turbulence Type Forecast/Actual:	/
Wind Direction:		Turbulence Severity Forecast/Actual:	/
Altimeter Setting:	29.81 inches Hg	Temperature/Dew Point:	1°C / 0°C
Precipitation and Obscuration:	Mist		
Departure Point:	La Vista, NE (MLE)	Type of Flight Plan Filed:	None
Destination:	ABILENE, KS (K78)	Type of Clearance:	None
Departure Time:	2355 CST	Type of Airspace:	

Airport Information

Airport:	MILLARD (MLE)	Runway Surface Type:	Concrete
Airport Elevation:	1051 ft	Runway Surface Condition:	
Runway Used:	12	IFR Approach:	None
Runway Length/Width:	3801 ft / 75 ft	VFR Approach/Landing:	None

Wreckage and Impact Information

Crew Injuries:	1 Fatal	Aircraft Damage:	Destroyed
Passenger Injuries:	2 Fatal	Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	3 Fatal	Latitude, Longitude:	41.187500, -96.101944

Administrative Information

Investigator In Charge (IIC):	Edward F Malinowski	Report Date:	12/28/2006
Additional Participating Persons:	Al Fowler; Federal Aviation Administration; Lincoln, NE Gregory Erikson; Textron Lycoming; Williamsport, PA Michael C McClure; The New Piper Aircraft, Inc.; Vero Beach, FL		
Publish Date:			
Investigation Docket:	NTSB accident and incident dockets serve as permanent archival information for the NTSB's investigations. Dockets released prior to June 1, 2009 are publicly available from the NTSB's Record Management Division at pubinq@ntsb.gov , or at 800-877-6799. Dockets released after this date are available at http://dms.nts.gov/pubdms/ .		

The National Transportation Safety Board (NTSB), established in 1967, is an independent federal agency mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable causes of the accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The NTSB makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

The Independent Safety Board Act, as codified at 49 U.S.C. Section 1154(b), precludes the admission into evidence or use of any part of an NTSB report related to an incident or accident in a civil action for damages resulting from a matter mentioned in the report. A factual report that may be admissible under 49 U.S.C. § 1154(b) is available [here](#).