



Aviation Investigation Final Report

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| Location: | GARDNER, Kansas | Accident Number: | CHI98LA211 |
| Date & Time: | June 20, 1998, 19:30 Local | Registration: | N921DH |
| Aircraft: | Hartzler NIEUPOINT 11 | Aircraft Damage: | Substantial |
| Defining Event: | | Injuries: | 1 Minor |
| Flight Conducted Under: | Part 91: General aviation - Personal | | |

Analysis

The pilot was going to fly one more flight around the traffic pattern for some individuals to take photographs of his aircraft. The pilot stated that there was a dark storm cell approximately 3 statute miles north of the airport moving to the east. The pilot stated that after the aircraft rotated the normal climb speed of 55 mph seemed to diminish rapidly at 8 to 10 feet agl. The pilot stated that his back stick pressure produced a stall, followed by an uncontrollable sink that resulted in the aircraft impacting on the right side of the runway 17. Witnesses to the accident stated that the wind sock was limp at the start of the takeoff roll, but indicated strong gusting winds as the pilot rotated. Post accident investigation showed that there was thunderstorm activity in the area at the time the accident. There were reports of high, gusting, winds in the area at the time of the accident. Subsequent to the accident, the pilot stated in a interview with a Federal Aviation Administration Inspector that he had made a poor decision by taking off with the approaching thunderstorm in the area.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: the pilot's inadequate weather evaluation and the aircraft stall. A factor to the accident was the gusting wind.

Findings

Occurrence #1: LOSS OF CONTROL - IN FLIGHT
Phase of Operation: TAKEOFF - INITIAL CLIMB

Findings

1. (C) WEATHER EVALUATION - INADEQUATE - PILOT IN COMMAND
2. (F) WEATHER CONDITION - GUSTS
3. (C) STALL - ENCOUNTERED - PILOT IN COMMAND

Occurrence #2: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: TAKEOFF - INITIAL CLIMB

Factual Information

On June 20, 1998, at 1930 central daylight time, a Hartzler Nieuport 11, N921DH, piloted by a private pilot, sustained substantial damage when it impacted the terrain, following a loss of control during takeoff from runway 17 at the Gardner Municipal Airport, near Gardner, Kansas. Visual meteorological conditions prevailed at the time of the accident. The 14 CFR Part 91 personal flight was not operating on a flight plan. The pilot sustained minor injuries. The local flight was originating at the time of the accident.

According to the pilot's written statement, he was going to fly one more flight around the traffic pattern for some individuals to take photographs of his aircraft. The pilot stated that there was a dark storm cell approximately 3 statute miles north of the airport which moving to the east. The pilot stated that after the aircraft rotated the normal climb speed of 55 mph seemed to diminish rapidly upon reaching an altitude of 8 to 10 feet above ground level. The pilot stated that his back "stick pressure produced a stall", followed by an uncontrollable sink that resulted in the aircraft impacting on the right side of the runway 17. Witnesses to the accident stated that the wind sock was limp at the start of the takeoff roll, but indicated strong gusting winds as the pilot rotated.

Post accident investigation showed that there was thunderstorm activity in the area. There were reports of high, gusting, winds in the area at the time of the accident. Subsequent to the accident, the pilot stated in an interview with a Federal Aviation Administration Inspector that he had made a poor decision by taking off with the approaching thunderstorm in the area.

Pilot Information

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|----------------------------------|---|--|---------------|
| Certificate: | Private | Age: | 58, Male |
| Airplane Rating(s): | Single-engine land | Seat Occupied: | Center |
| Other Aircraft Rating(s): | None | Restraint Used: | |
| Instrument Rating(s): | None | Second Pilot Present: | No |
| Instructor Rating(s): | None | Toxicology Performed: | No |
| Medical Certification: | Class 3 Valid Medical--w/ waivers/lim | Last FAA Medical Exam: | June 25, 1997 |
| Occupational Pilot: | No | Last Flight Review or Equivalent: | |
| Flight Time: | 508 hours (Total, all aircraft), 13 hours (Total, this make and model), 450 hours (Pilot In Command, all aircraft), 5 hours (Last 90 days, all aircraft), 5 hours (Last 30 days, all aircraft), 2 hours (Last 24 hours, all aircraft) | | |

Aircraft and Owner/Operator Information

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|--------------------------------------|---------------------------|---------------------------------------|-----------------|
| Aircraft Make: | Hartzler | Registration: | N921DH |
| Model/Series: | NIEUPOINT 11 NIEUPOINT 1 | Aircraft Category: | Airplane |
| Year of Manufacture: | | Amateur Built: | Yes |
| Airworthiness Certificate: | Experimental (Special) | Serial Number: | 00736 |
| Landing Gear Type: | Tailwheel | Seats: | 1 |
| Date/Type of Last Inspection: | September 17, 1997 Annual | Certified Max Gross Wt.: | 770 lbs |
| Time Since Last Inspection: | 13 Hrs | Engines: | 1 Reciprocating |
| Airframe Total Time: | 13 Hrs | Engine Manufacturer: | Volkswagen |
| ELT: | Not installed | Engine Model/Series: | 1600 CC |
| Registered Owner: | RICHARD B. HARTZLER | Rated Power: | 50 Horsepower |
| Operator: | | Operating Certificate(s) Held: | None |
| Operator Does Business As: | | Operator Designator Code: | |

Meteorological Information and Flight Plan

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|---|------------------------|---|------------------|
| Conditions at Accident Site: | Visual (VMC) | Condition of Light: | Dusk |
| Observation Facility, Elevation: | IXD ,1087 ft msl | Distance from Accident Site: | 4 Nautical Miles |
| Observation Time: | 20:16 Local | Direction from Accident Site: | 242° |
| Lowest Cloud Condition: | Unknown | Visibility | 2 miles |
| Lowest Ceiling: | Broken / 3100 ft AGL | Visibility (RVR): | |
| Wind Speed/Gusts: | 7 knots / 23 knots | Turbulence Type Forecast/Actual: | / |
| Wind Direction: | 30° | Turbulence Severity Forecast/Actual: | / |
| Altimeter Setting: | 29 inches Hg | Temperature/Dew Point: | 22°C / 17°C |
| Precipitation and Obscuration: | Moderate - None - Rain | | |
| Departure Point: | (K34) | Type of Flight Plan Filed: | None |
| Destination: | | Type of Clearance: | None |
| Departure Time: | 19:30 Local | Type of Airspace: | Class G |

Airport Information

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|-----------------------------|----------------------------------|----------------------------------|------------|
| Airport: | GARDNER MUNICIPAL AIRPORT K34 | Runway Surface Type: | Grass/turf |
| Airport Elevation: | 1042 ft msl | Runway Surface Condition: | Dry |
| Runway Used: | 17 | IFR Approach: | None |
| Runway Length/Width: | 3240 ft / 110 ft | VFR Approach/Landing: | None |

Wreckage and Impact Information

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|----------------------------|---------|-----------------------------|---------------------------|
| Crew Injuries: | 1 Minor | Aircraft Damage: | Substantial |
| Passenger Injuries: | | Aircraft Fire: | None |
| Ground Injuries: | N/A | Aircraft Explosion: | None |
| Total Injuries: | 1 Minor | Latitude, Longitude: | 38.809574,-94.920486(est) |

Administrative Information

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| Investigator In Charge (IIC): | Sullivan, Pamela |
| Additional Participating Persons: | ROMAN A BUETTNER; KANSAS CITY , MO |
| Original Publish Date: | February 15, 2001 |
| Last Revision Date: | |
| Investigation Class: | Class |
| Note: | |
| Investigation Docket: | https://data.nts.gov/Docket?ProjectID=10925 |

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable causes of the accidents and events we investigate, and issue safety recommendations aimed at preventing future occurrences. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for each accident or event we investigate. We also serve as the appellate authority for enforcement actions involving aviation and mariner certificates issued by the Federal Aviation Administration (FAA) and US Coast Guard, and we adjudicate appeals of civil penalty actions taken by the FAA.

The NTSB does not assign fault or blame for an accident or incident; rather, as specified by NTSB regulation, “accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties ... and are not conducted for the purpose of determining the rights or liabilities of any person” (Title 49 *Code of Federal Regulations* section 831.4). Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by investigating accidents and incidents and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report (Title 49 *United States Code* section 1154(b)). A factual report that may be admissible under 49 *United States Code* section 1154(b) is available [here](#).