



Aviation Investigation Final Report

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| Location: | FALL RIVER, Massachusetts | Accident Number: | NYC92FA047 |
| Date & Time: | December 14, 1991, 17:45 Local | Registration: | N4959P |
| Aircraft: | PIPER PA-23-235 | Aircraft Damage: | Destroyed |
| Defining Event: | | Injuries: | 1 Fatal |
| Flight Conducted Under: | Part 91: General aviation - Personal | | |

Analysis

WHILE ON AN NDB APPROACH, THE PILOT CANCELLED HIS IFR FLIGHT PLAN WHEN HE HAD THE FIELD IN SIGHT. SHORTLY AFTER RADAR SERVICE WAS TERMINATED THE PILOT REESTABLISHED RADIO CONTACT WITH ATC AND SAID HE LOST SIGHT OF THE AIRPORT. ATC INSTRUCTED THE PILOT TO CLIMB TO 2000 FEET, BUT HE DID NOT REPLY. THE LAST RADAR RETURN DEPICTED THE AIRPLANE TURNING TO THE LEFT (NORTHEAST), THE PUBLISHED MISSED APPROACH IS A CLIMBING RIGHT TURN TO AN ALTITUDE OF 1900 FEET MSL. THE AIRPLANE IMPACTED TREES ABOUT 1 1/2 MILE NORTHEAST OF THE AIRPORT. WHEN THE PILOT STARTED THE APPROACH HE HAD BEEN FLYING FOR APPROXIMATELY 5 HOUR AND 40 MINUTES, NON STOP FROM KENTUCKY. THE FLIGHT HAD BEEN FLOWN ALMOST TOTALLY IN IMC CONDITIONS, MODERATE TO SEVERE TURBULENCE, AND RIME ICE. THE APPROACH WAS ATTEMPTED DURING THE HOURS OF DARKNESS WITH LOW VISIBILITY AND NO GROUND REFERENCES.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: THE PILOT DID NOT FOLLOW IFR PROCEDURES AND WAS MANEUVERING AT TOO LOW AN ALTITUDE TO REMAIN CLEAR OF THE TERRAIN. FACTORS IN THE ACCIDENT WERE; FATIGUE, FOG AND NO VISUAL GROUND CLUES.

Findings

Occurrence #1: IN FLIGHT ENCOUNTER WITH WEATHER
Phase of Operation: MISSED APPROACH (IFR)

Findings

1. (F) WEATHER CONDITION - FOG
2. MISSED APPROACH - ATTEMPTED - PILOT IN COMMAND
3. (F) FATIGUE - PILOT IN COMMAND
4. (F) LIGHT CONDITION - DARK NIGHT
5. (C) IFR PROCEDURE - NOT FOLLOWED - PILOT IN COMMAND
6. (C) MANEUVER - IMPROPER - PILOT IN COMMAND
7. (C) PROPER ALTITUDE - NOT MAINTAINED - PILOT IN COMMAND

Occurrence #2: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: MISSED APPROACH (IFR)

Findings

8. TERRAIN CONDITION - GROUND

Factual Information

Pilot Information

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|----------------------------------|--|--|-----------------|
| Certificate: | Private | Age: | 57, Male |
| Airplane Rating(s): | Single-engine land; Multi-engine land | Seat Occupied: | Left |
| Other Aircraft Rating(s): | None | Restraint Used: | |
| Instrument Rating(s): | Airplane | Second Pilot Present: | No |
| Instructor Rating(s): | None | Toxicology Performed: | Yes |
| Medical Certification: | Class 3 Valid Medical--w/ waivers/lim | Last FAA Medical Exam: | January 5, 1990 |
| Occupational Pilot: | UNK | Last Flight Review or Equivalent: | |
| Flight Time: | 2830 hours (Total, all aircraft), 1900 hours (Total, this make and model), 2577 hours (Pilot In Command, all aircraft), 54 hours (Last 90 days, all aircraft), 22 hours (Last 30 days, all aircraft) | | |

Aircraft and Owner/Operator Information

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|--------------------------------------|--------------------------|---------------------------------------|-----------------|
| Aircraft Make: | PIPER | Registration: | N4959P |
| Model/Series: | PA-23-235 PA-23-235 | Aircraft Category: | Airplane |
| Year of Manufacture: | | Amateur Built: | |
| Airworthiness Certificate: | Normal | Serial Number: | 27-560 |
| Landing Gear Type: | Retractable - Tricycle | Seats: | 4 |
| Date/Type of Last Inspection: | January 2, 2000 Unknown | Certified Max Gross Wt.: | 4800 lbs |
| Time Since Last Inspection: | | Engines: | 2 Reciprocating |
| Airframe Total Time: | | Engine Manufacturer: | LYCOMING |
| ELT: | Installed, not activated | Engine Model/Series: | O-540-B1A5 |
| Registered Owner: | MILTON NOVOTNY | Rated Power: | 235 Horsepower |
| Operator: | MILTON NOVOTNY | Operating Certificate(s) Held: | None |
| Operator Does Business As: | NOVOPAK INC. | Operator Designator Code: | |

Meteorological Information and Flight Plan

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|---|---------------------------|---|-------------------|
| Conditions at Accident Site: | Instrument (IMC) | Condition of Light: | Night/dark |
| Observation Facility, Elevation: | EWB ,80 ft msl | Distance from Accident Site: | 10 Nautical Miles |
| Observation Time: | 17:45 Local | Direction from Accident Site: | 300° |
| Lowest Cloud Condition: | Unknown | Visibility | 4 miles |
| Lowest Ceiling: | Overcast / 500 ft AGL | Visibility (RVR): | |
| Wind Speed/Gusts: | 16 knots / | Turbulence Type Forecast/Actual: | / |
| Wind Direction: | 220° | Turbulence Severity Forecast/Actual: | / |
| Altimeter Setting: | 29 inches Hg | Temperature/Dew Point: | 13°C / 13°C |
| Precipitation and Obscuration: | N/A - None - Fog | | |
| Departure Point: | BOWLING GREEN , KY (BWG) | Type of Flight Plan Filed: | IFR |
| Destination: | | Type of Clearance: | IFR |
| Departure Time: | 13:16 Local | Type of Airspace: | Class D |

Airport Information

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|-----------------------------|--------------------------|----------------------------------|-----------|
| Airport: | FALL RIVER MUNICIPAL FLR | Runway Surface Type: | Asphalt |
| Airport Elevation: | 193 ft msl | Runway Surface Condition: | Wet |
| Runway Used: | 24 | IFR Approach: | ADF/NDB |
| Runway Length/Width: | 3948 ft / 150 ft | VFR Approach/Landing: | Full stop |

Wreckage and Impact Information

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|----------------------------|---------|-----------------------------|-----------|
| Crew Injuries: | 1 Fatal | Aircraft Damage: | Destroyed |
| Passenger Injuries: | | Aircraft Fire: | On-ground |
| Ground Injuries: | N/A | Aircraft Explosion: | None |
| Total Injuries: | 1 Fatal | Latitude, Longitude: | |

Administrative Information

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| Investigator In Charge (IIC): | Yurman, Alan |
| Additional Participating Persons: | JAMES VOLNER; BEDFORD , MA JAMES STABLEY; WILLIAMSPORT , PA |
| Original Publish Date: | April 27, 1993 |
| Last Revision Date: | |
| Investigation Class: | Class |
| Note: | |
| Investigation Docket: | https://data.nts.gov/Docket?ProjectID=37046 |

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](#).