



# Aviation Investigation Final Report

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<b>Location:</b>	Dunkirk, New York	<b>Accident Number:</b>	NYC06LA042
<b>Date &amp; Time:</b>	December 14, 2005, 12:00 Local	<b>Registration:</b>	N302H
<b>Aircraft:</b>	Piper PA-46-310P	<b>Aircraft Damage:</b>	Substantial
<b>Defining Event:</b>		<b>Injuries:</b>	3 None
<b>Flight Conducted Under:</b>	Part 91: General aviation - Personal		

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## Analysis

An Aerostar landed on runway 15, a Piper Malibu landed on runway 6, and their right wings contacted at the runway intersection. The pilot of the Aerostar utilized the current Unicom frequency, and was told the winds were favoring runway 15, which was the active runway. The pilot of the Aerostar flew a left traffic pattern for runway 15, radioed position reports, and monitored a Cessna that was also in the traffic pattern for runway 15. The pilot of the Aerostar did not observe any other traffic as he landed on runway 15. The pilot of the Piper Malibu reported a 9-mile final for runway 6, on a radio frequency that had been out-of-date for longer than one year. The pilot of the Piper Malibu did not observe any traffic, and proceeded to land on runway 6. The pilot of the Piper Malibu was using a global positioning system, and did not refer to his onboard approach charts, which listed the correct frequency. The reported wind about the time of the accident was from 130 degrees at 11 knots.

## Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: The Piper Malibu pilot's failure to use the correct radio frequency for traffic advisories, and his selection of the wrong, inactive runway, which resulted in an on-ground collision with another airplane while landing.

## Findings

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Occurrence #1: ON GROUND/WATER COLLISION WITH OBJECT  
Phase of Operation: LANDING - ROLL

### Findings

1. OBJECT - AIRCRAFT MOVING ON GROUND
2. (C) WRONG RUNWAY - SELECTED - PILOT IN COMMAND
3. (C) TRAFFIC ADVISORY - INCORRECT - PILOT IN COMMAND

## Factual Information

On December 14, 2005, about 1200 eastern standard time, a Piper PA-46-310P (Malibu), N302H, and a Smith Aerostar 601P, N1WZ, sustained substantial damage while both airplanes were landing at Dunkirk Airport (DKK), Dunkirk, New York. The certificated airline transport pilot and two passengers onboard the Piper Malibu, and the certificated private pilot onboard the Aerostar, were not injured. Visual meteorological conditions prevailed at the time of the accident. An instrument flight rules (IFR) flight plan was filed for the Malibu, which originated from West Chester, Pennsylvania. No flight plan was filed for the Aerostar, which originated from Jamestown, New York. Both personal flights were conducted under 14 CFR Part 91.

According to a Federal Aviation Administration (FAA) inspector, the Piper Malibu was landing on runway 6, a 5,000-foot-long, 100-foot-wide, asphalt runway. The Aerostar was landing on runway 15, a 4,000-foot-long, 100-foot-wide, asphalt runway. The right wing of each airplane made contact at the runway intersection, and both right wings sustained substantial damage.

The pilot of the Aerostar stated that approximately 6 miles from the airport, he contacted the Dunkirk Unicom on 123.075 MHz, and was told the wind was favoring runway 15, which was the active runway. The pilot of the Aerostar flew a left traffic pattern for runway 15, radioed position reports, and monitored a Cessna that was also in the traffic pattern for runway 15. The pilot of the Aerostar did not see any other traffic, and after landing on runway 15, a Piper Malibu approached from the right and struck the Aerostar. The pilot of the Aerostar stated that 123.075 MHz had been the Unicom frequency for longer than one year, and the old frequency was 122.80 MHz. The pilot of the Aerostar further stated that the pilot of the Piper Malibu obtained the old frequency from his global positioning system, rather than referring to current charts.

The FAA inspector noted that although the pilot of the Piper Malibu was traveling with expired approach charts, the correct and current frequency was listed on those charts.

The pilot of the Piper Malibu stated that he was on an IFR flight plan, and in radio contact with Buffalo Approach. About 15 miles from Dunkirk Airport, Buffalo Approach did not observe any local traffic on radar, and told the pilot to switch to "advisory." The pilot of the Piper Malibu terminated services and reported a 9-mile final for runway 6, on 122.80 MHz. He did not observe any other traffic, and during the landing roll, the Aerostar approached from the left and struck the Piper Malibu.

Several witnesses, including the pilot of the Cessna in the traffic pattern for runway 15, heard the pilot of the Aerostar make radio transmissions while in the traffic pattern for runway 15. None of the witnesses heard the pilot of the Piper Malibu make any radio transmissions while landing on runway 6.

The reported weather at DKK, at 1153, was: wind from 130 degrees at 11 knots; visibility 10 miles; sky clear; temperature 21 degrees F; dew point 1 degree F; altimeter 30.36 inches Hg.

## Pilot Information

<b>Certificate:</b>	Airline transport	<b>Age:</b>	59, Male
<b>Airplane Rating(s):</b>	Single-engine land; Multi-engine land	<b>Seat Occupied:</b>	Left
<b>Other Aircraft Rating(s):</b>	None	<b>Restraint Used:</b>	
<b>Instrument Rating(s):</b>	Airplane	<b>Second Pilot Present:</b>	No
<b>Instructor Rating(s):</b>	Airplane multi-engine; Airplane single-engine; Instrument airplane	<b>Toxicology Performed:</b>	No
<b>Medical Certification:</b>	Class 2 Without waivers/limitations	<b>Last FAA Medical Exam:</b>	December 1, 2004
<b>Occupational Pilot:</b>	Yes	<b>Last Flight Review or Equivalent:</b>	December 1, 2005
<b>Flight Time:</b>	20140 hours (Total, all aircraft), 2040 hours (Total, this make and model), 19484 hours (Pilot In Command, all aircraft), 140 hours (Last 90 days, all aircraft), 80 hours (Last 30 days, all aircraft), 2 hours (Last 24 hours, all aircraft)		

## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	Piper	<b>Registration:</b>	N302H
<b>Model/Series:</b>	PA-46-310P	<b>Aircraft Category:</b>	Airplane
<b>Year of Manufacture:</b>		<b>Amateur Built:</b>	
<b>Airworthiness Certificate:</b>	Normal	<b>Serial Number:</b>	460803
<b>Landing Gear Type:</b>	Retractable - Tricycle	<b>Seats:</b>	6
<b>Date/Type of Last Inspection:</b>	February 1, 2005 Annual	<b>Certified Max Gross Wt.:</b>	4300 lbs
<b>Time Since Last Inspection:</b>	167 Hrs	<b>Engines:</b>	1 Turbo prop
<b>Airframe Total Time:</b>	4937 Hrs as of last inspection	<b>Engine Manufacturer:</b>	Pratt & Whitney
<b>ELT:</b>	Installed, not activated	<b>Engine Model/Series:</b>	PT6-34
<b>Registered Owner:</b>	Lakala Aviation Inc.	<b>Rated Power:</b>	560 Horsepower
<b>Operator:</b>	Richard Schneider	<b>Operating Certificate(s) Held:</b>	None

## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	Visual (VMC)	<b>Condition of Light:</b>	Day
<b>Observation Facility, Elevation:</b>	DKK,693 ft msl	<b>Distance from Accident Site:</b>	0 Nautical Miles
<b>Observation Time:</b>	11:53 Local	<b>Direction from Accident Site:</b>	0°
<b>Lowest Cloud Condition:</b>	Clear	<b>Visibility</b>	10 miles
<b>Lowest Ceiling:</b>	None	<b>Visibility (RVR):</b>	
<b>Wind Speed/Gusts:</b>	11 knots /	<b>Turbulence Type Forecast/Actual:</b>	/
<b>Wind Direction:</b>	130°	<b>Turbulence Severity Forecast/Actual:</b>	/
<b>Altimeter Setting:</b>	30.36 inches Hg	<b>Temperature/Dew Point:</b>	-6°C / -17°C
<b>Precipitation and Obscuration:</b>	No Obscuration; No Precipitation		
<b>Departure Point:</b>	West Chester, PA (N99 )	<b>Type of Flight Plan Filed:</b>	IFR
<b>Destination:</b>	Dunkirk, NY (DKK )	<b>Type of Clearance:</b>	IFR
<b>Departure Time:</b>	10:30 Local	<b>Type of Airspace:</b>	Class G

## Airport Information

<b>Airport:</b>	Dunkirk Airport DKK	<b>Runway Surface Type:</b>	Asphalt
<b>Airport Elevation:</b>	693 ft msl	<b>Runway Surface Condition:</b>	Dry
<b>Runway Used:</b>	6	<b>IFR Approach:</b>	Visual
<b>Runway Length/Width:</b>	5000 ft / 100 ft	<b>VFR Approach/Landing:</b>	Full stop;Straight-in

## Wreckage and Impact Information

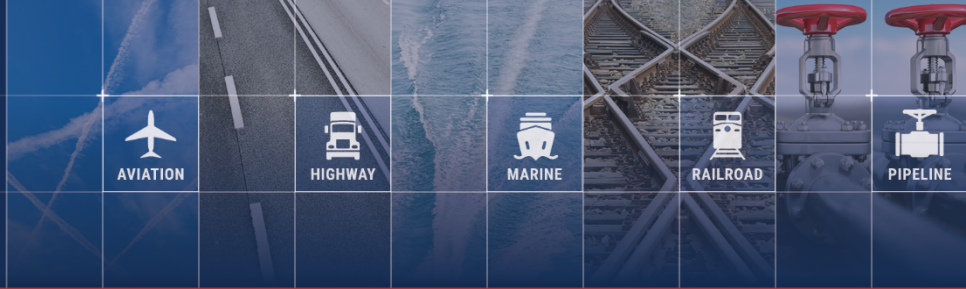
<b>Crew Injuries:</b>	1 None	<b>Aircraft Damage:</b>	Substantial
<b>Passenger Injuries:</b>	2 None	<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>	N/A	<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	3 None	<b>Latitude, Longitude:</b>	42.493331,-79.271942

## Administrative Information

<b>Investigator In Charge (IIC):</b>	Gretz, Robert
<b>Additional Participating Persons:</b>	Thomas Williams; FAA FSDO; Rochester, NY
<b>Original Publish Date:</b>	December 28, 2006
<b>Last Revision Date:</b>	
<b>Investigation Class:</b>	<a href="#">Class</a>
<b>Note:</b>	
<b>Investigation Docket:</b>	<a href="https://data.nts.gov/Docket?ProjectID=62957">https://data.nts.gov/Docket?ProjectID=62957</a>

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](#).



# Aviation Investigation Final Report

<b>Location:</b>	Dunkirk, New York	<b>Accident Number:</b>	NYC06LA042
<b>Date &amp; Time:</b>	December 14, 2005, 12:00 Local	<b>Registration:</b>	N1WZ
<b>Aircraft:</b>	Smith, Ted Aerostar 601P	<b>Aircraft Damage:</b>	Substantial
<b>Defining Event:</b>		<b>Injuries:</b>	1 None
<b>Flight Conducted Under:</b>	Part 91: General aviation - Personal		

## Analysis

An Aerostar landed on runway 15, a Piper Malibu landed on runway 6, and their right wings contacted at the runway intersection. The pilot of the Aerostar utilized the current Unicom frequency, and was told the winds were favoring runway 15, which was the active runway. The pilot of the Aerostar flew a left traffic pattern for runway 15, radioed position reports, and monitored a Cessna that was also in the traffic pattern for runway 15. The pilot of the Aerostar did not observe any other traffic as he landed on runway 15. The pilot of the Piper Malibu reported a 9-mile final for runway 6, on a radio frequency that had been out-of-date for longer than one year. The pilot of the Piper Malibu did not observe any traffic, and proceeded to land on runway 6. The pilot of the Piper Malibu was using a global positioning system, and did not refer to his onboard approach charts, which listed the correct frequency. The reported wind about the time of the accident was from 130 degrees at 11 knots.

## Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: The Piper Malibu pilot's failure to use the correct radio frequency for traffic advisories, and his selection of the wrong, inactive runway, which resulted in an on-ground collision with another airplane while landing.

## Findings

Occurrence #1: ON GROUND/WATER COLLISION WITH OBJECT  
Phase of Operation: LANDING - ROLL

Findings

1. OBJECT - AIRCRAFT MOVING ON GROUND
2. (C) WRONG RUNWAY - SELECTED - PILOT OF OTHER AIRCRAFT
3. (C) TRAFFIC ADVISORY - INCORRECT - PILOT OF OTHER AIRCRAFT



## Factual Information

On December 14, 2005, about 1200 eastern standard time, a Piper PA-46-310P (Malibu), N302H, and a Smith Aerostar 601P, N1WZ, sustained substantial damage while both airplanes were landing at Dunkirk Airport (DKK), Dunkirk, New York. The certificated airline transport pilot and two passengers onboard the Piper Malibu, and the certificated private pilot onboard the Aerostar, were not injured. Visual meteorological conditions prevailed at the time of the accident. An instrument flight rules (IFR) flight plan was filed for the Malibu, which originated from West Chester, Pennsylvania. No flight plan was filed for the Aerostar, which originated from Jamestown, New York. Both personal flights were conducted under 14 CFR Part 91.

According to a Federal Aviation Administration (FAA) inspector, the Piper Malibu was landing on runway 6, a 5,000-foot-long, 100-foot-wide, asphalt runway. The Aerostar was landing on runway 15, a 4,000-foot-long, 100-foot-wide, asphalt runway. The right wing of each airplane made contact at the runway intersection, and both right wings sustained substantial damage.

The pilot of the Aerostar stated that approximately 6 miles from the airport, he contacted the Dunkirk Unicom on 123.075 MHz, and was told the wind was favoring runway 15, which was the active runway. The pilot of the Aerostar flew a left traffic pattern for runway 15, radioed position reports, and monitored a Cessna that was also in the traffic pattern for runway 15. The pilot of the Aerostar did not see any other traffic, and after landing on runway 15, a Piper Malibu approached from the right and struck the Aerostar. The pilot of the Aerostar stated that 123.075 MHz had been the Unicom frequency for longer than one year, and the old frequency was 122.80 MHz. The pilot of the Aerostar further stated that the pilot of the Piper Malibu obtained the old frequency from his global positioning system, rather than referring to current charts.

The FAA inspector noted that although the pilot of the Piper Malibu was traveling with expired approach charts, the correct and current frequency was listed on those charts.

The pilot of the Piper Malibu stated that he was on an IFR flight plan, and in radio contact with Buffalo Approach. About 15 miles from Dunkirk Airport, Buffalo Approach did not observe any local traffic on radar, and told the pilot to switch to "advisory." The pilot of the Piper Malibu terminated services and reported a 9-mile final for runway 6, on 122.80 MHz. He did not observe any other traffic, and during the landing roll, the Aerostar approached from the left and struck the Piper Malibu.

Several witnesses, including the pilot of the Cessna in the traffic pattern for runway 15, heard the pilot of the Aerostar make radio transmissions while in the traffic pattern for runway 15. None of the witnesses heard the pilot of the Piper Malibu make any radio transmissions while landing on runway 6.

The reported weather at DKK, at 1153, was: wind from 130 degrees at 11 knots; visibility 10 miles; sky clear; temperature 21 degrees F; dew point 1 degree F; altimeter 30.36 inches Hg.

## Pilot Information

<b>Certificate:</b>	Private	<b>Age:</b>	72, Male
<b>Airplane Rating(s):</b>	Single-engine land; Multi-engine land	<b>Seat Occupied:</b>	Left
<b>Other Aircraft Rating(s):</b>	None	<b>Restraint Used:</b>	
<b>Instrument Rating(s):</b>	Airplane	<b>Second Pilot Present:</b>	No
<b>Instructor Rating(s):</b>	None	<b>Toxicology Performed:</b>	No
<b>Medical Certification:</b>	Class 3 With waivers/limitations	<b>Last FAA Medical Exam:</b>	November 1, 2005
<b>Occupational Pilot:</b>	No	<b>Last Flight Review or Equivalent:</b>	November 1, 2005
<b>Flight Time:</b>	5416 hours (Total, all aircraft), 1510 hours (Total, this make and model), 5245 hours (Pilot In Command, all aircraft), 12 hours (Last 90 days, all aircraft), 12 hours (Last 30 days, all aircraft), 1 hours (Last 24 hours, all aircraft)		

## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	Smith, Ted Aerostar	<b>Registration:</b>	N1WZ
<b>Model/Series:</b>	601P	<b>Aircraft Category:</b>	Airplane
<b>Year of Manufacture:</b>		<b>Amateur Built:</b>	
<b>Airworthiness Certificate:</b>	Normal	<b>Serial Number:</b>	61P-0385-128
<b>Landing Gear Type:</b>	Retractable - Tricycle	<b>Seats:</b>	6
<b>Date/Type of Last Inspection:</b>	May 1, 2005 Annual	<b>Certified Max Gross Wt.:</b>	6000 lbs
<b>Time Since Last Inspection:</b>	16 Hrs	<b>Engines:</b>	1 Reciprocating
<b>Airframe Total Time:</b>	5337 Hrs at time of accident	<b>Engine Manufacturer:</b>	Lycoming
<b>ELT:</b>	Installed, not activated	<b>Engine Model/Series:</b>	IO-540
<b>Registered Owner:</b>	FTBA Inc.	<b>Rated Power:</b>	290 Horsepower
<b>Operator:</b>	Antoine Attea	<b>Operating Certificate(s) Held:</b>	None

## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	Visual (VMC)	<b>Condition of Light:</b>	Day
<b>Observation Facility, Elevation:</b>	DKK,693 ft msl	<b>Distance from Accident Site:</b>	0 Nautical Miles
<b>Observation Time:</b>	11:53 Local	<b>Direction from Accident Site:</b>	0°
<b>Lowest Cloud Condition:</b>	Clear	<b>Visibility</b>	10 miles
<b>Lowest Ceiling:</b>	None	<b>Visibility (RVR):</b>	
<b>Wind Speed/Gusts:</b>	11 knots /	<b>Turbulence Type Forecast/Actual:</b>	/
<b>Wind Direction:</b>	130°	<b>Turbulence Severity Forecast/Actual:</b>	/
<b>Altimeter Setting:</b>	30.36 inches Hg	<b>Temperature/Dew Point:</b>	-6°C / -17°C
<b>Precipitation and Obscuration:</b>	No Obscuration; No Precipitation		
<b>Departure Point:</b>	Jamestown, NY (JHW )	<b>Type of Flight Plan Filed:</b>	None
<b>Destination:</b>	Dunkirk, NY (DKK )	<b>Type of Clearance:</b>	None
<b>Departure Time:</b>	11:40 Local	<b>Type of Airspace:</b>	Class G

## Airport Information

<b>Airport:</b>	Dunkirk Airport DKK	<b>Runway Surface Type:</b>	Asphalt
<b>Airport Elevation:</b>	693 ft msl	<b>Runway Surface Condition:</b>	Dry
<b>Runway Used:</b>	6	<b>IFR Approach:</b>	Visual
<b>Runway Length/Width:</b>	5000 ft / 100 ft	<b>VFR Approach/Landing:</b>	Full stop;Straight-in

## Wreckage and Impact Information

<b>Crew Injuries:</b>	1 None	<b>Aircraft Damage:</b>	Substantial
<b>Passenger Injuries:</b>		<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>	N/A	<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	1 None	<b>Latitude, Longitude:</b>	42.493331,-79.271942

## Administrative Information

<b>Investigator In Charge (IIC):</b>	Gretz, Robert
<b>Additional Participating Persons:</b>	Thomas Williams; FAA FSDO; Rochester, NY
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<b>Investigation Class:</b>	<a href="#">Class</a>
<b>Note:</b>	
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