



Aviation Investigation Final Report

Location:	Dunkirk, New York	Accident Number:	NYC06LA042
Date & Time:	December 14, 2005, 12:00 Local	Registration:	N302H
Aircraft:	Piper PA-46-310P	Aircraft Damage:	Substantial
Defining Event:		Injuries:	3 None
Flight Conducted Under:	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 The pilot of the Piper Malibu reported a 9-mile final for runway 6, on a radio frequency that had been out-of-date for longer than one year.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 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

Certificate:	Airline transport	Age:	59, 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):	Airplane multi-engine; Airplane single-engine; Instrument airplane	Toxicology Performed:	No
Medical Certification:	Class 2 Without waivers/limitations	Last FAA Medical Exam:	December 1, 2004
Occupational Pilot:	Yes	Last Flight Review or Equivalent:	December 1, 2005
Flight Time:	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

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

Meteorological Information and Flight Plan

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

Airport Information

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

Wreckage and Impact Information

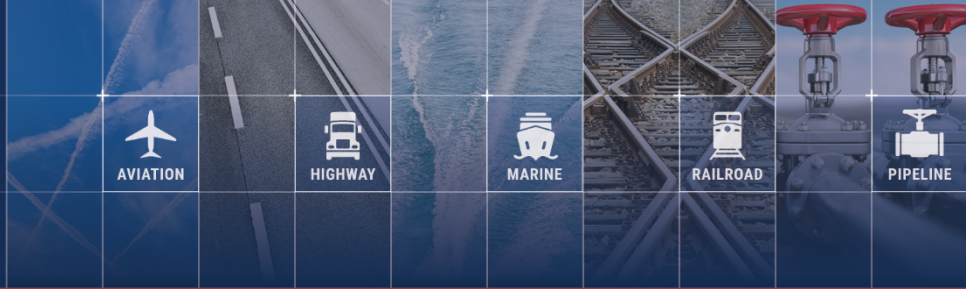
Crew Injuries:	1 None	Aircraft Damage:	Substantial
Passenger Injuries:	2 None	Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	3 None	Latitude, Longitude:	42.493331,-79.271942

Administrative Information

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

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

Location:	Dunkirk, New York	Accident Number:	NYC06LA042
Date & Time:	December 14, 2005, 12:00 Local	Registration:	N1WZ
Aircraft:	Smith, Ted Aerostar 601P	Aircraft Damage:	Substantial
Defining Event:		Injuries:	1 None
Flight Conducted Under:	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.

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2. (C) WRONG RUNWAY - SELECTED - PILOT OF OTHER AIRCRAFT
3. (C) TRAFFIC ADVISORY - INCORRECT - PILOT OF OTHER AIRCRAFT

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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

Certificate:	Private	Age:	72, 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:	No
Medical Certification:	Class 3 With waivers/limitations	Last FAA Medical Exam:	November 1, 2005
Occupational Pilot:	No	Last Flight Review or Equivalent:	November 1, 2005
Flight Time:	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

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

Meteorological Information and Flight Plan

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

Airport Information

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

Wreckage and Impact Information

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

Administrative Information

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

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