



Aviation Investigation Final Report

Location:	Cedarburg, Wisconsin	Accident Number:	CHI08CA233
Date & Time:	August 2, 2008, 11:35 Local	Registration:	N93963
Aircraft:	Ercoupe (Eng & Research Corp.) 415-C	Aircraft Damage:	Substantial
Defining Event:	Collision with terr/obj (non-CFIT)	Injuries:	1 Minor
Flight Conducted Under:	Part 91: General aviation - Personal		

Analysis

The pilot reported that during takeoff the airplane was "struck by wind shear" from its right side. He reported that the airplane "lost perhaps 20' - 30' of altitude" and that he "could not avoid impact with the tree." The pilot reported that there were no mechanical malfunctions with the airplane during the accident flight.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: The pilot not maintaining altitude/clearance from the tree during takeoff. Contributing to the accident were the windshear and the tree.

Findings

Environmental issues	Tree(s) - Contributed to outcome
Aircraft	Altitude - Not attained/maintained
Environmental issues	Windshear - Contributed to outcome

Factual Information

History of Flight

Takeoff	Collision with terr/obj (non-CFIT) (Defining event)
Uncontrolled descent	Collision with terr/obj (non-CFIT)

Pilot Information

Certificate:	Private; Sport Pilot	Age:	61, Male
Airplane Rating(s):	Single-engine land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	
Instrument Rating(s):	None	Second Pilot Present:	
Instructor Rating(s):	None	Toxicology Performed:	No
Medical Certification:	Sport pilot	Last FAA Medical Exam:	
Occupational Pilot:	No	Last Flight Review or Equivalent:	April 1, 2008
Flight Time:	342 hours (Total, all aircraft), 142 hours (Total, this make and model), 247 hours (Pilot In Command, all aircraft), 23 hours (Last 90 days, all aircraft), 19 hours (Last 30 days, all aircraft), 0 hours (Last 24 hours, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	Ercoupe (Eng & Research Corp.)	Registration:	N93963
Model/Series:	415-C	Aircraft Category:	Airplane
Year of Manufacture:		Amateur Built:	
Airworthiness Certificate:	Normal	Serial Number:	1286
Landing Gear Type:	Tricycle	Seats:	
Date/Type of Last Inspection:	July 1, 2008 Annual	Certified Max Gross Wt.:	
Time Since Last Inspection:		Engines:	1 Reciprocating
Airframe Total Time:	2564 Hrs as of last inspection	Engine Manufacturer:	Continental
ELT:	Installed, activated, did not aid in locating accident	Engine Model/Series:	C-85
Registered Owner:	James B. Brennan	Rated Power:	85 Horsepower
Operator:	JAMES B. BRENNAN	Operating Certificate(s) Held:	None

Meteorological Information and Flight Plan

Conditions at Accident Site:	Visual (VMC)	Condition of Light:	Day
Observation Facility, Elevation:	ETB,887 ft msl	Distance from Accident Site:	
Observation Time:	12:25 Local	Direction from Accident Site:	
Lowest Cloud Condition:	Clear	Visibility	10 miles
Lowest Ceiling:	None	Visibility (RVR):	
Wind Speed/Gusts:	8 knots / 0 knots	Turbulence Type Forecast/Actual:	/
Wind Direction:	40°	Turbulence Severity Forecast/Actual:	/
Altimeter Setting:	29.98 inches Hg	Temperature/Dew Point:	24°C / 15°C
Precipitation and Obscuration:	No Obscuration; No Precipitation		
Departure Point:	Cedarburg, WI (1WN2)	Type of Flight Plan Filed:	None
Destination:	BURLINGTON, WI (BUU)	Type of Clearance:	None
Departure Time:	11:35 Local	Type of Airspace:	

Wreckage and Impact Information

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:	43.329166,-87.997222

Administrative Information

Investigator In Charge (IIC):	Malinowski, Edward
Additional Participating Persons:	Stacey L Anderson; Milwaukee, WI, FSDO
Original Publish Date:	August 28, 2008
Last Revision Date:	
Investigation Class:	Class
Note:	This accident report documents the factual circumstances of this accident as described to the NTSB.
Investigation Docket:	https://data.nts.gov/Docket?ProjectID=68743

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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](#).