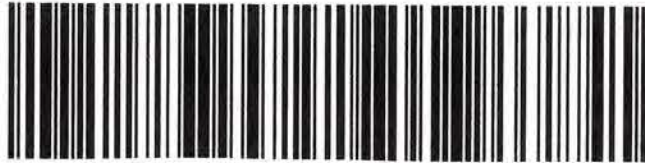




Salvatore Salibello, P.C.

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SALVATORE SALIBELLO

ATTORNEY AT LAW

TELEPHONE: [REDACTED] ♦ E-Mail: [REDACTED]

SALVATORE SALIBELLO (ADMITTED: NJ, NY)

May 9, 2017

David Tochen, Esq.

General Counsel (Acting)

National Transportation Safety Board

400 L'Enfant Plaza East, S. W.

Washington, DC 20594

Re: Petition For Reconsideration or Modification
Accident Number ERA15LA366
September 21, 2015 Bally, PA
Joshua Zimmer, Petitioner

Dear Mr. Tochen:

Pursuant to 49 CFR 845.41 Joshua Zimmer, Petitioner herein, petitions the National Transportation Board to reconsider or modify the National Transportation Safety Board's Aviation Accident Final Report in the reference accident number ERA15LA366 for the following reasons:

1. The investigation by the Federal Aviation Inspector, Arthur Strauss, omitted the testimony of at least two witnesses who were within 100 yards of the flight of the aircraft and who proceeded to the crash site immediately after the aircraft touchdown in an open field;
2. Inspector Strauss' description is erroneous in that he described the right main gear as "collapsed" when, in fact, a photograph of the aircraft in its resting sight shows the right main gear in its design position;
3. His selection of witnesses for statements that he included in his report to Investigator Robert Gretz, NTSB, were in her home or at home sitting in his living room;
4. The witness working in his field gave a statement to a local news reporter, Frank Warner, The Morning Call, that is significantly different from the statement that is reported in the Strauss report;
5. Dr. David Schiebel, Petitioner's Medical Expert, reported that the tests run by the hospital used a different metric for blood/urine results from the FAA Lab.'s metric for measuring blood/urine results. The hospital report states that the detection level is 302ng/ml for benzodiazepine but the result showed only a "presumptive positive only". Nevertheless the FAA reports a

toxic level of medication in Joshua's system. Presumably, the FAA tested the same blood/urine sample.

He reports that the clinical evaluation of Joshua Zimmer at the hospital immediately following his transportation there from the accident site does not comport with the finding that Joshua Zimmer was medically impaired at the time that he was piloting the subject aircraft. He noted that the clinical evaluation of Zimmer found him to be "awake, alert, oriented to time, place and person with *no central nervous system impairment* and no peripheral nervous system impairment". In Dr. Schiebel's opinion Joshua Zimmer was not impaired with a toxic level of any medication in his system on September 21, 2015.

6. The time of the accident is shown at 1835 hours on September 21, 2015. Sunset on this date was 1900 hours. Thus, the accident in the dusk period of the day with shadows on the ground. Mr. Strauss gives no quarter to the pilot as he was attempting to land a disabled aircraft and avoid high tension wires and towers. Nor does he credit the pilot for avoiding destruction or injury to livestock in the field, destruction to the "homes" of the witnesses, and/or injury or death to persons on the ground;
7. Mr. Strauss does not state that he arrived at the site the next day, Tuesday, September 22, 2015. He does not vouch for the security of the aircraft overnight. He removed the engine from the aircraft to place it on a test stand. His first attempt to start the engine was a failure. He, then, notice some "dirt" on the fuel line to the pump. He changed the pump instead of replacing the fuel line. Thus, we have no knowledge if the original pump was defective. If the replacement pump with the "dirt" fuel line caused the engine to start doesn't it follow that the fuel was getting to the original pump and that the pump was defective precluding the engine from starting?

Discussion

The investigation into this accident was undertaken by Arthur Strauss, a Maintenance Inspector, from the Allentown FSDO in Pennsylvania. The NTSB investigator was Robert Gretz. In the Factual Report it states that the NTSB did not visit the crash site nor participate in any of the test work conducted by Mr. Strauss on the engine and the FAA Medical Lab. (P.91/92). It should also be noted that the FAA did not arrive at the accident scene until the next day. (P.84).

Joshua Zimmer stated in his written report to the NTSB that the engine on his aircraft had a sudden drop in RPM to 1500 RPM. He decided to attempt a landing at Butter Valley Airport from which he had just departed. He stated that his altitude was 800 feet. In his attempt to return to the airport he noted he observed power lines and towers in his flight path to the airport. He was losing altitude rapidly and had to maneuver rapidly and sharply to fly under the power lines and avoid the towers. He skillfully did so, landed in an open field in a

wings level condition. During the rollout the nose wheel struck a low fence and caused the aircraft to flip on its back. (P.1/2).

An EMT unit responded to the emergency. One of the members spoke to an individual who was about 100 yards from the scene at the time that he observed the aircraft in flight and as it hit the ground nose first. The witness heard the engine "sputter" and then "cut out". He saw the aircraft flip over. It did clear the power lines before hitting the ground. The address and telephone number were listed in the EMT report and record. (P.84,85,86).

Another witness was interviewed by Frank Warner, reporter for The Morning Call. This witness was Mark Moser, a farmer, who was in his field at 1835 hours and observed the aircraft fly under the power lines and crash in the farm next to his and known as the Ehst farm. (P.89,90).

A review of Mr. Strauss' report does not include either of these statements. He interviewed six witnesses and no one's statement coincided with the report submitted by Mr. Zimmer. However, the two statements by Mark Moser and the individual who met the EMT crew do corroborate the events as Mr. Zimmer recounted them. His engine "sputtered" and then stopped operating, he turned toward the airport, maneuver rapidly and sharply to avoid power lines and towers, landed in an open field, avoided injury to persons and property and came to rest inverted. There was no fuel leak and no fire threat.

Mr. Strauss was incorrect when he reported that the right main gear collapsed on touchdown because a series of photographs of the accident aircraft show that the right main gear was in the design position. Thus, the aircraft landed in a wings level configuration.

Another error committed by Mr. Strauss focuses on the engine run up. The engine was placed on a test stand. The first attempt to start it was unsuccessful. Mr. Strauss, then, noticed some "dirt" on the fuel line to the pump. He changed the pump instead of the fuel line! But the engine started with the replacement pump. Should not have this fact shown to Mr. Strauss that the first pump was defective and not supplying fuel to the engine? Why? Because the fuel line with "dirt" on it was providing fuel to the first pump and the replacement pump. His erroneous conclusion is that the pump was not defective and that Mr. Zimmer probably imagined that he had an engine failure in flight. This is entirely ludicrous. (P.1,2; P.3,4; P.91,92).

Dr. Schiebel is a Board Certified Psychiatrist and the treating physician of Joshua Zimmer. His first report (P.7,8) describes Joshua Zimmer's mental condition as a Generalized Anxiety with no panic episodes. He states that Joshua can cease treatment with Zoloft immediately and that Joshua is fit mentally to operate an aircraft in his opinion.

In his second report Dr. Schiebel reviews the Lehigh Valley medical report (P. 8 to 83) as well as the FAA Lab.'s report of the results of the sample test taken from Joshua Zimmer immediately upon arrival at Lehigh Valley. He notes that the hospital and the FAA use a different metric to measure the amount of toxic material in the blood and urine. It should be noted that the hospital could only presume that benzodiazepine was in Zimmer's sample

because the test result was less than 302 ng/ml the minimum detection level. He does acknowledge that the FAA result was a toxic level.

But Dr. Schiebel doesn't stop there. He carefully reviewed the hospital record and concluded that the clinical evaluation of Joshua Zimmer showed that he was not under the influence of a benzodiazepine on September 21, 2015 and that it did not contribute to the cause of the accident. (P.87,88).

Joshua Zimmer was a commercial pilot with an instrument rating and a certified flight instructor. His total hours are 1550 hours with 1250 hours as pilot in command. He logged 1300 hours in the C-172. How could Mr. Strauss ascribe to this pilot the characteristics that he did in his report as one who would perform aerobatic maneuvers at an altitude of 800 feet or less above the ground under power lines? I never read or heard of such a thing.

For the foregoing reasons the Factual Report and the Final Report should be reconsidered and modified to say that the pilot experienced a partial and, then, a total power loss in flight and in his attempt to return to the departure airport crashed in an open dairy farm field and suffered personal injuries. The cause of the engine failure is not determined.

EXHIBITS

A. Aviation Accident Final Report	P.1/2
B. Photographs Accident Aircraft	P.3/4
C. Supporting Information-Pilot, Weather, etc.	P.5/6
D. Dr. Schiebel's Treatment of Zimmer No. 1	P.7/8
E. Lehigh Valley Hospital Record of Treatment	P.8 to 83
F. EMT Treatment and Witness Statement Record	P.84 to 86
G. Dr. Schiebel's Report on tests of blood/urine	P.87/88
H. News Reporter's report of witness' statement	P.89/90
I. Modified Factual Report	P.91/92

Attorney ID: [REDACTED]



National Transportation Safety Board Aviation Accident Final Report

Location:	Bally, PA	Accident Number:	ERA15LA366
Date & Time:	09/21/2015, 1830 EDT	Registration:	N347SP
Aircraft:	CESSNA 172	Aircraft Damage:	Substantial
Defining Event:	Loss of control in flight	Injuries:	1 Minor
Flight Conducted Under:	Part 91: General Aviation - Personal		

Analysis

The commercial pilot was conducting a personal cross-country flight. Several witnesses reported observing different sequences of events. One witness reported seeing the airplane fly in a 90° right bank turn for about 10 seconds as it maneuvered underneath power lines and between two utility towers. After passing under the power lines, the airplane leveled and then impacted the ground. Another witness reported that the airplane was at a lower-than-normal altitude and seemed to be flying "erratically" and "aggressively," and that, at one point, it was "flying on its side." Another witness reported seeing the airplane flying with one wing pointing toward the ground. The witness statements are consistent with low-altitude aerobatic maneuvers. Although some bystanders reported that the engine sputtered and lost power and the pilot reported that a loss of engine power occurred, postaccident examination of the airframe and engine, which included a successful engine test run, revealed no preimpact mechanical malfunctions or failures that would have precluded normal operation.

Toxicological testing of the pilot's specimens revealed that he had high levels of a sedating benzodiazepine, alprazolam, within the toxic range. Additionally, he had a low level of a second sedating benzodiazepine, lorazepam. Both these medications are used to treat significant anxiety disorders, which are associated with performance deficits, particularly in high-workload spatial tasks. It is likely that the pilot's underlying psychiatric disorders and the medications he was using to treat them impaired his judgement, executive functioning, and psychomotor skills and contributed to the accident.

Probable Cause and Findings

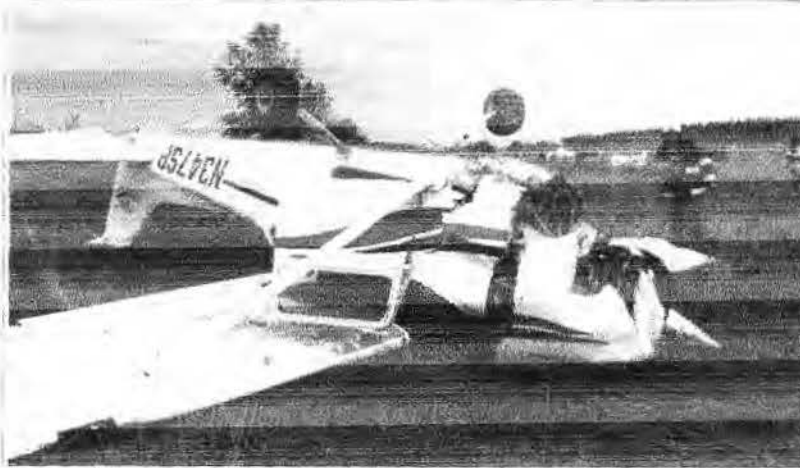
The National Transportation Safety Board determines the probable cause(s) of this accident to be:

The pilot's failure to maintain altitude during low-level aerobatic maneuvers, Contributing to the accident were the **pilot's improper decision to attempt the low-level aerobatic maneuvers** and his impairment due to psychiatric conditions and the medications he was using to treat them.

Findings

Aircraft	Altitude - Not attained/maintained (Cause)
Personnel issues	Aircraft control - Pilot (Cause)
	Mental/emotional state - Pilot (Factor)
	Prescription medication - Pilot (Factor)
	Decision making/judgment - Pilot (Factor)
Environmental issues	Fence/fence post - Contributed to outcome

P-2



NTSB Identification: ERA15LA366

14 CFR Part 91: General Aviation

Accident occurred Monday, September 21, 2015 in Bally, PA

Aircraft: CESSNA 172S, registration: N347SP

Injuries: 1 Minor.

This is preliminary information, subject to change, and may contain errors. Any errors in this report will be corrected when the final report has been completed. NTSB investigators may not have traveled in support of this investigation and used data provided by various sources to prepare this aircraft accident report.

On September 21, 2015, about 1830 eastern daylight time, a Cessna 172S, N347SP, operated by Certified Flyers, was substantially damaged during collision with terrain, while maneuvering after takeoff from Butter Valley Golf Port (7N8), Bally, Pennsylvania. The commercial pilot incurred minor injuries. The personal flight was conducted under the provisions of 14 Code of Federal Regulations Part 91. Visual meteorological conditions prevailed and no flight plan was filed for the planned flight to Morristown Municipal Airport (MMU), Morristown, New Jersey. The flight departed 7N8 about 1830.

According to the pilot's written statement, he flew from MMU to 7N8 uneventfully. He then departed 7N8 for a return trip to MMU. During initial climb, about 800 feet above ground level, the airplane experienced a partial loss of engine power, with the tachometer indicating about 1,500 rpm. The pilot attempted to land straight ahead, but due to powerlines, he made a left descending turn. He did not think he would be able to glide the airplane back to the airport and elected to land in a nearby field. During the landing, the landing gear struck a fence and the airplane came to rest inverted in the field.

According to a witness, who worked at 7N8, He saw a white airplane with a blue and yellow stripe land between 1800 and 1830. The airplane approached faster and in a tighter traffic pattern than other airplanes that typically land there. The white airplane made a sharp turn over parked airplanes on its approach to the runway. The airplane's right wing then dipped low over the runway, but did not contact it. The wings subsequently leveled as the engine noise increased. The witnesses added that the airplane must have touched down further down the runway as he did not see it land, but saw it taxiing back on the runway for another takeoff. He did not see the subsequent takeoff.

Another witness, who lived near the accident site, stated that he was in his backyard between 1815 and 1830, when he heard a small white and yellow airplane flying toward his property at a lower altitude than normal. The witness added that the airplane seemed to be flying erratically and at one point was "flying on its side." The witness further stated that he was concerned for the safety of the airplane and his house as he watched the abnormal flight, during which the pilot seemed to be flying aggressively for several minutes. He did not witness the impact, but added that he did not hear any abnormal engine sounds.

A third witness, who also lived near the accident site, reported that he was sitting in his

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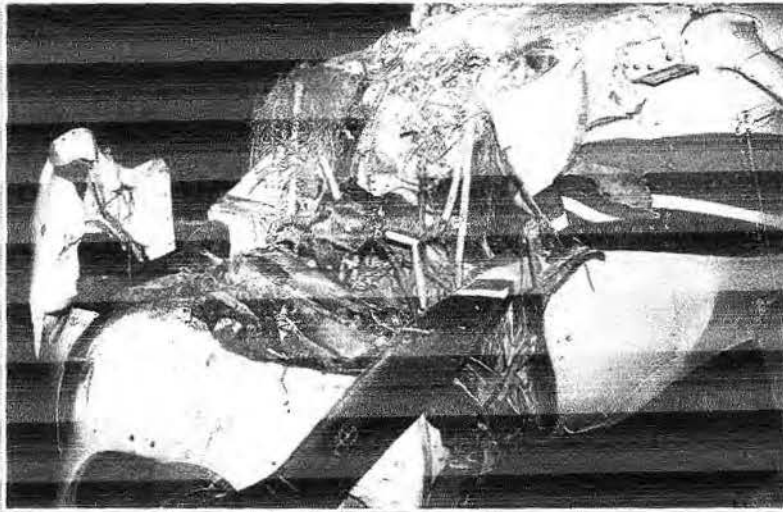
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P-3

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including, "Use of benzodiazepines, including lorazepam, both used alone and in combination with other CNS depressants, may lead to potentially fatal respiratory depression. Use of benzodiazepines, including lorazepam, may lead to physical and psychological dependence. As with all patients on CNS-depressant drugs, patients receiving lorazepam should be warned not to operate dangerous machinery or motor vehicles and that their tolerance for alcohol and other CNS depressants will be diminished. The usual therapeutic range is between 0.1600 and 0.2700 ug/ml. Sertraline is an antidepressant marketed with the name Zoloft.



[Aero Commander 680-E N222JS: Accident Occurrence](#)
[Cessna 172S Skyhawk N347SP: Certified Flyers](#)
[State Signed Off On Airplane Manufacturing Deal With](#)

- Sep 20 (17)
- Sep 19 (17)
- Sep 18 (10)
- Sep 17 (10)
- Sep 16 (12)
- Sep 15 (9)
- Sep 14 (10)
- Sep 13 (11)
- Sep 12 (10)
- Sep 11 (15)
- Sep 10 (10)
- Sep 09 (8)
- Sep 08 (10)
- Sep 07 (9)
- Sep 06 (10)
- Sep 05 (20)
- Sep 04 (8)
- Sep 03 (21)
- Sep 02 (5)
- Sep 01 (4)

- August (216)
- July (210)
- June (113)
- May (100)
- April (223)
- March (230)
- February (217)
- January (271)

- 2014 (5201)
- 2013 (5158)
- 2012 (5011)
- 2011 (5835)

Stats



10308274



Meteorological Information and Flight Plan

Conditions at Accident Site:	Visual Conditions	Condition of Light:	Day
Observation Facility, Elevation:	PTW, 308 ft msl	Observation Time:	1854 EDT
Distance from Accident Site:	11 Nautical Miles	Direction from Accident Site:	190°
Lowest Cloud Condition:		Temperature/Dew Point:	18° C / 9° C
Lowest Ceiling:	Broken / 11000 ft agl	Visibility	10 Miles
Wind Speed/Gusts, Direction:	Calm	Visibility (RVR):	
Altimeter Setting:	30.21 inches Hg	Visibility (RVV):	
Precipitation and Obscuration:	No Obscuration; No Precipitation		
Departure Point:	Bally, PA (7N8)	Type of Flight Plan Filed:	None
Destination:	Morristown, NJ (MMU)	Type of Clearance:	None
Departure Time:	1830 EDT	Type of Airspace:	

Airport Information

Airport:	Butter Valley Golf Port (7N8)	Runway Surface Type:	Asphalt; Grass/turf
Airport Elevation:	500 ft	Runway Surface Condition:	Dry
Runway Used:	34	IFR Approach:	None
Runway Length/Width:	2420 ft / 85 ft	VFR Approach/Landing:	None

Wreckage and Impact Information

Crew Injuries:	1 Minor	Aircraft Damage:	Substantial
Passenger Injuries:	N/A	Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	1 Minor	Latitude, Longitude:	40.403889, -75.574444 (est)

Administrative Information

Investigator In Charge (IIC):	Robert J Gretz	Adopted Date:	05/01/2017
Additional Participating Persons:	Arthur Strauss; FAA/FSDO; Allentown, PA		
Publish Date:	05/01/2017		
Note:	The NTSB did not travel to the scene of this accident.		
Investigation Docket:	http://dms.nts.gov/pubdms/search/dockList.cfm?mKey=92013		

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Pilot Information

Certificate:	Flight Instructor; Commercial	Age:	23, Male
Airplane Rating(s):	Multi-engine Land; Single-engine Land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	3-point
Instrument Rating(s):	Airplane	Second Pilot Present:	No
Instructor Rating(s):	Airplane Single-engine; Instrument Airplane	Toxicology Performed:	Yes
Medical Certification:	Class 1 Without Waivers/Limitations	Last Medical Exam:	04/07/2015
Occupational Pilot:	Yes	Last Flight Review or Equivalent:	01/29/2015
Flight Time:	1550 hours (Total, all aircraft), 1300 hours (Total, this make and model), 1250 hours (Pilot In Command, all aircraft), 200 hours (Last 90 days, all aircraft), 75 hours (Last 30 days, all aircraft), 2 hours (Last 24 hours, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Manufacturer:	CESSNA	Registration:	N347SP
Model/Series:	172 S	Aircraft Category:	Airplane
Year of Manufacture:	1999	Amateur Built:	No
Airworthiness Certificate:	Normal	Serial Number:	172S8271
Landing Gear Type:	Tricycle	Seats:	4
Date/Type of Last Inspection:	09/18/2015, 100 Hour	Certified Max Gross Wt.:	2550 lbs
Time Since Last Inspection:	7 Hours	Engines:	1 Reciprocating
Airframe Total Time:	5542 Hours	Engine Manufacturer:	LYCOMING
ELT:	C91 installed, activated, did not aid in locating accident	Engine Model/Series:	IO-360
Registered Owner:	CERTIFIED AVIATION LLC	Rated Power:	180 hp
Operator:	CERTIFIED AVIATION LLC	Air Carrier Operating Certificate:	None

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March 24, 2016

To Whom It May Concern

I am a physician licensed in New York State, Board Certified in Psychiatry and Neurology and it is my medical opinion after treating with Joshua Zinner over a period of three years, that his psychiatric diagnosis, condition, and medication program do not render him medically unfit to operate aircraft.

His diagnosis is Generalized Anxiety (no panic attack episodes) with some depressive features, and his treatment has included anti-anxiety (benzodiazepines) medication, plus an SSRI antidepressant (Zoloft in low dose) as an adjunct medication. His

Symptoms have never reached the criteria to diagnose major depressive disorder, nor has he ever been suicidal. He can stop taking Zoloft under medical supervision without impediment to his ability to fly aircraft. I will supervise his condition and review the period without Zoloft after 3 months time.

Respectfully submitted

NP1

P.8

David P. Schiebel, M.D.

TELEPHONE [REDACTED]

March 14, 2017

Salvatore Salibello
Attorney at Law
[REDACTED]
[REDACTED]

Re: Joshua Zimmer

Dear Mr. Salibello,

You ask if the medical records of the Lehigh Valley Hospital are consistent with the findings and comments of the National Transportation Safety Board Aviation Accident Factual Report, in reference to the airplane crash of 9/21/15, piloted by Joshua Zimmer.

First, both records state that they found evidence of a benzodiazepine, specifically alprazolam (Xanax), in Joshua Zimmer. I presume the NTSB Factual Report did not take a separate sample but retested later the Lehigh Valley Hospital sample. The reported results and significance given to the results are different. The hospital took a preliminary "drug screen," found alprazolam, then reported "results pending" and later "results completed" for specific drug test. No specific test *amount* of alprazolam was reported. Significantly, the hospital record states that 300 ~~ng~~ ^{ug}/ml was needed to be present to obtain a test result. In contrast, the NTSB reported their result of alprazolam tested found 0.123 ~~ug~~ ^{ug}/ml in Joshua Zimmer. Clearly, the hospital and the NTSB are using different measurements in their testing results. The NTSB uses the phrase "urine/blood," without stating whether their 0.123 ~~ug~~ ^{ug}/ml was a urine or blood sample, or both, with the same 0.123 ~~ug~~ ^{ug}/ml level.

The NTSB report goes on to state that their lab testing uses as benchmark a .006 to .0200 ~~ug~~ ^{ug}/ml as a "therapeutic level," and a 0.100 as "toxic level." They tested Mr. Zimmer at 0.123, clearly in their measurement system a "toxic" result.

In the presence of such test measurement inconsistency, the question whether Mr. Zimmer was operating a plane while on toxic levels of a benzodiazepine can be answered by inspecting the hospital's 73-page clinical report. There is nothing in the 73-page clinical record that is consistent with a person operating while in a "toxic" drug state or any "drugged" state. He is described as awake, alert, oriented to time, place, and person with *no central nervous system impairment*, and with no peripheral (arms, hands, legs, etc.) nervous system impairment. There is

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no mention of impaired level of consciousness, seizures, pupil size difference, tremors, sweating or any other expected clinical signs of drug toxicity, or even drug withdrawal. After ruling out any significant injury (other than contusions) resulting from the plane crash, they discharged him the next day. This clinical evidence rules out the possibility that Mr. Zimmer at the time of the crash was impaired by whatever level of alprazolam was present in his body. No clinical sign of impairment was found or reported in their 73-page medical record.

The NTSB report goes on to quote pharmaceutical company and *Physicians' Desk Reference* warnings that doctors should inform patients prescribed benzodiazepines that they "should be cautioned against engaging in hazardous occupations or activities requiring complete mental alertness such as operating machinery or driving a motor vehicle."

In my medical opinion and judgment, the standard medical practice for physicians first prescribing benzodiazepine to a patient is to mention that an early reaction may include an increased level of mellowing to slight sedation, and the patients should be aware of this and take precautions, but physicians do not tell patients *not to* drive, operate "machinery" or otherwise refrain from the activities of normal daily living.

I am a physician licensed in the State of New York, Board Certified in Psychiatry and Neurology, and the above report is my fully considered medical opinion.

Respectfully submitted,



David P. Schiebel, M.D.

1-88

News / Breaking News

Plane may have slipped under electric lines before crash near Bally



Frank Warner • Contact Reporter
Of The Morning Call

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Plane may have slipped under electric lines before crash near Bally

SEPTEMBER 22, 2016, 11:22 PM

The small airplane that crashed Monday evening north of Bally may have flown under high-tension electric lines before it landed, a farmer said Tuesday.

"The guys I had working for me saw him go underneath" the electric lines, said Mark Moser at his Washington Township dairy farm.

Moser said he looked up after the plane was past the lines, strung along tall towers on the east side of Route 100. The plane hit the ground hard, bounced and flipped upside-down about 6:35 p.m. in the Ehst farm next to Moser's. (1)

From a half-mile away, witnesses saw dust fly.

Article continues below ↘

State police on Tuesday identified the pilot as Joshua Zimmer, 23, of Wyckoff, N.J. He was flying a Cessna C-172, a standard single-engine plane, the Federal Aviation Administration said.

"A four-seat Cessna took off from Butter Valley air strip" in Upper Hanover immediately to the east, state Trooper Marshall J. Hummel said. "The pilot related that while trying to gain altitude the plane lost 50 percent power.

"The pilot tried to turn around and land at Butter Valley air strip but couldn't make it, crashing into a field."

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Zimmer was taken by Bally Ambulance to Lehigh Valley Hospital-Cedar Crest. Moser said the pilot was talking immediately after landing and did not appear badly hurt.

"He had a bump on his head," Moser said. "He said he didn't remember it [the crash]. He had a phone in one hand and his other hand on his head."

The airplane is owned by Certified Aviation, an aircraft rental company at the Morristown, N.J., airport, according to the FAA. Most of it ended up intact, but the engine compartment in its nose was split open.

FAA officials met with state police from Reading on Tuesday morning to inspect the accident scene, which is Kenneth Ehst's cattle pasture in Washington Township, about a half-mile north of Bally.

No cows were hit in the crash landing.

After the initial inquiry, the National Transportation Safety Board will conduct its own investigation.

— Frank Warner

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This article is related to: Federal Aviation Administration, National Transportation Safety Board, Lehigh Valley Hospital

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P. 90

Factual Information

****This report was modified on February 28, 2017. Please see the docket for this accident to view the original report.****

On September 21, 2015, about 1830 eastern daylight time, a Cessna 172S, N347SP, operated by Certified Flyers, was substantially damaged during a collision with terrain, while maneuvering after takeoff from Butter Valley Golf Port (7N8), Bally, Pennsylvania. The commercial pilot incurred minor injuries. The personal flight was conducted under the provisions of 14 Code of Federal Regulations Part 91. Visual meteorological conditions prevailed and no flight plan was filed for the planned flight to Morristown Municipal Airport (MMU), Morristown, New Jersey.

According to the pilot's written statement, he flew from MMU to 7N8 uneventfully. He then departed 7N8 for a return trip to MMU. During initial climb, about 800 feet above ground level, the airplane experienced a partial loss of engine power, with the tachometer indicating about 1,500 rpm. The pilot attempted to land straight ahead, but due to powerlines, he made a left descending turn. He did not think he would be able to glide the airplane back to the airport and elected to land in a nearby field. During the landing, the landing gear struck a fence and the airplane came to rest inverted in the field.

Review of an emergency medical service (EMS) report revealed: "...bystanders say they heard...[the] engine sputter. From bystanders, the [pilot] flew over the high tension power lines and as the engine cut out tried to turn back towards the direction of Butter Valley. Per bystanders the plane was losing altitude quickly and dropped under the high tension lines. Once just barely clearing them, bystanders say he then had to make it through the high tension towers and did. Then the plane came down in a hard landing..."

The EMS report did not identify the bystanders, but noted who a 911-caller was. During a telephone interview, the 911-caller stated that he was driving a dump truck near a farm with the windows three-fourths down. The accident airplane passed about 20 feet above his truck as it proceeded underneath powerlines and banked right on its side. Shortly thereafter, it impacted the crest of a hill. The caller added that it appeared the pilot was "having fun or showing off." The caller further stated that he could hear the engine operating, but could not make a determination of the power setting. He drove to the accident site, called 911, and attempted to assist the pilot.

Another witness stated she was at her residence when she noticed a white single-engine airplane circling near her home. It was executing sharp turns, diving and then pulling up. She added that the engine sputtered and stalled at least once, but then started again, which she believed occurred when the airplane was pulling up. She further stated that she was concerned that the airplane might hit her house because it was flying low. The witness did not see the impact, but noted that it looked like the pilot was reckless or trying to do stunts.

According to a third witness, who worked at 7N8, he saw a white airplane with a blue and yellow stripe land between 1800 and 1830. The airplane approached faster and in a tighter traffic pattern than other airplanes that he typically observed land at the airport. The airplane made a sharp turn over parked airplanes on its approach to the runway. The airplane's right wing then dipped low over the runway, but did not contact it. The wings subsequently leveled

as the engine noise increased. The witness added that the airplane must have touched down further down the runway as he did not see it land, but saw it taxiing back on the runway for another takeoff. He did not see the subsequent takeoff.

A fourth witness, who lived near the accident site, stated that he was in his backyard between 1815 and 1830, when he heard a small airplane, which he observed was white and yellow flying toward his property at a lower altitude than normal. The witness added that the airplane seemed to be flying erratically and at one point was "flying on its side." The witness further stated that he was concerned for the safety of the airplane and his house as he watched the abnormal flight, during which the pilot seemed to be flying aggressively for several minutes. He did not witness the impact, but added that he did not hear any abnormal engine sounds.

A fifth witness, who also lived near the accident site, reported that he was sitting in his living room and noticed an airplane that was not flying normally. Specifically, one wing was pointed toward the ground and the other pointed toward the sky. The airplane then disappeared behind a fence row and dust rose in the air. The witness assumed the airplane had crashed and attempted to drive to the site and offer assistance; however, he soon saw emergency responders and concluded that they would assist.

✓ A sixth witness stated that he was working on a farm near the accident site at the time of the accident. He was operating a skid-loader at the time, and could not hear the airplane's engine noise or the lack of it. He watched the airplane fly in a 90-degree right bank turn for about 10 seconds, "wingtip to wingtip," as it maneuvered underneath powerlines and in between two utility towers. After passing under the powerlines, the airplane leveled and impacted the ground.

Examination of the wreckage by a Federal Aviation Administration (FAA) inspector revealed substantial damage to the right wing and that the right main landing gear had collapsed, consistent with a right wing low impact. He observed impact marks in the soybean field, consistent with a high-angle right bank turn toward and under the powerlines. The inspector also noted a strong odor of fuel at the accident site. When the airplane was subsequently uprighted and recovered, the inspector observed that both fuel tanks were almost full.

A fuel sample was recovered from the engine driven fuel pump after the wreckage was recovered to a storage facility. A small amount of dirt was noted on the outside of the fuel line near the pump fitting; however, the fuel sample was consistent with 100-low-lead aviation gasoline and absent of any visible contamination. A successful test-run of the engine was subsequently performed. A fuel supply was plumbed from a container to the engine driven fuel pump due to a damaged lower fuel sump. The engine did not start on the first attempt as the electric fuel pump was damaged in the accident and could not supply fuel to prime the engine. Ether was then used as primer for the engine on the second attempt. During the second attempt, the engine started immediately and ran continuously without hesitation at multiple power settings, including full power. The engine was run for several minutes and then shut down.

Toxicology testing performed by the FAA's Bioaeronautical Research Laboratory on blood and urine specimen obtained during the pilot's initial postaccident medical care identified alprazolam in urine and blood (0.123 ug/ml) as well as its metabolite, alpha-