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# ✈ EAA CHAPTER 32 NEWS ✈

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Jim Bower, Editor

September, 2001

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Hopefully, we can enjoy more of this great weather at our meeting! Don't miss our September get-together at Smartt Field on Sunday, September 23 at 2:00.

## **Gary Johnson Flies!**

Another one of our member's birds leaves its nest as Gary Johnson makes the first flight in his Sonex on Monday, September 10. Read about it in his own words, below. (Photo courtesy of Bill Jagust.)



Today was the BIG day for me and Sonex S/N 077. I made the first flight this morning. Good weather, no wind and clear sky. I climbed out to 2500 ft. and just circled the airport and got a feel for the controls. This airplane is much more sensitive to rudder and elevator controls than other storebought airplanes I have flown. No problem, just takes some getting use to. At wide open throttle I saw 140 mph at 3190 RPM. There was some pitch down when pulling 10 deg of flaps and considerable pitch down with 30 deg flaps. I checked slow speed handling with and without flaps down to 60 mph indicated. Did a simulated approach and go-around with full flaps. Then set up the approach and landed. I hope that future landings are better, but I did land safely. The rollout was straight with very little rudder work needed. The engine did stop at touchdown, so I must have landed a little hard, but I don't remember. Will have to look at the video. The engine was restarted during the rollout and I taxied in with a huge grin on my face. This is one fun machine.

**INFORMATION HOTLINE**

**286-9932**

**CALL THIS NUMBER FOR INFORMATION ABOUT  
UPCOMING EVENTS**

# Minutes of the August Meeting

Thanks to Laura Million

**Welcome to new members!**

**NEW CHAPTER OFFICERS:** Nominating committee is being formed for nominations for new Chapter Officers. Elections will be held in October. If you are interested in being nominated for an office, contact Doug Killebrew or one of the current officers, before they nominate you!

**HANGAR:** The steel is going up! The plumbing for the kitchen and bathrooms are in and the steel sides are going up.

**YOUNG EAGLES:** The next Young Eagle Event will be at Creve Coeur Airport in conjunction with the WWI Escadrille Air Show. Contact Dave Wall for more information about the Young Eagles Event. Contact Bob Rockford for more information about the St. Louis Escadrilles at 314-429-5980.

**FUND RAISERS:** Our chapter continues to receive money from the use of the Schnucks, Dierbergs and Shop N Save coupons. Remember, you receive face value for the coupons, and the stores donate to our chapter! Ron Wright has Entertainment books available. Each book is \$20 and the chapter receives \$4 from the sale of each. Coupons are good at businesses and restaurants throughout St. Louis and Metro East.

**CHRISTMAS PARTY:** The speaker for the Christmas Party will be Jim Burns. He will be talking about his autobiography. If you are interested in an autographed copy, please contact Al Donaldson.

**SPECIAL THANKS** A special thanks from your web designer for the help pushing my amphibious wanna-be Cessna out onto dry pavement.



Lotsa airplanes came to the meeting!

### **Message from Laura Million:**

*This was the first opportunity I had to fly into a meeting since getting my private pilot's license last year. I invited our Newsletter Editor and his wife Donna to join my daughter and I on the flight into Smartt. So many people had flown in and/or parked on the ramp, my co-pilot suggested I park on the grass near another plane. It wasn't until it was too late that I noticed all the standing water from the recent rains and that my plane was stuck. Since we were well off the runway, we parked and went to the meeting. About 10 very generous gentlemen helped pull out my amphibious wanna-be back onto dry pavement so could return it to its home at the FBO in Alton. That's what I love about this Chapter, it's willingness to help (and not too many embarrassing comments to the inexperienced pilot ;-). And no, I do not plan on going for my seaplane rating just yet!*

### **Co-Pilot's Message:**

*Laura did a great job flying us into Smartt on that fateful day. We launched out of St. Louis Regional and arrived at Smartt after the start of the meeting. After a pass down the runway, Laura peeled off into the traffic pattern for a beautiful landing. I freely admit to the suggestion of parking on the grass, but how was I to know it was really a swamp? Thanks for the ride, Laura, but remember...once you're on the turf, KEEP MOVING! Just so you all know, Laura is definitely the master of that new C-172. I'd go flying with her any time.*

**Some folks enjoyed standing in the shade of a high-wing or shooting the breeze with Gary Johnson, who flew that fine natural-metal Sonex of his.**



*Photos courtesy of the Million ladies*

# Accident, incident or self-incrimination?

James Wynbrandt (with permission from *General Aviation News*)

7/20/2001

You never thought it would happen, but here you are, somewhere between your point of departure and your destination, standing next to your airplane in an overgrown field.

All you know is the engine lost power, you got the plane down, and your knees are shaking.

But you're alive!

You pull out your cell phone and aim your finger at the keypad. Then it hits you: You have no idea who you're supposed to call or what you're supposed to do. You remember something from your training days about a requirement to report accidents, but you can't quite remember the rules.

Well, the fact is, your knowledge of the reporting rule could spell the difference between a great hangar story and getting your license yanked.

Of course, notification requirements apply to more than off-airport landings. They hold true for every mishap that occurs in an airplane.

The first and most important point to comprehend is that you don't have to notify the FAA. Not ever. No matter what kind of trouble you get yourself into in an airplane.

This is critical because pilots who notify the FAA in the aftermath of a mishap could trigger action - ranging from mandated remedial training to a license suspension or revocation - when the FAA doesn't need to be informed of the mishap in the first place.

It's the National Transportation Safety Board (NTSB), not the FAA, that has responsibility for investigating accidents.

But first things first: Have you even had an accident? The answer to that question determines the requirements for dealing with your mishap.

Part 830 of the NTSB's rules, which spell out the reporting requirements, defines an accident as "an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage."

So if you've gone to the airport simply to get some charts from your plane, and the exhaust from a taxiing Airbus blows your aircraft on its back, killing you and destroying your aircraft, you haven't had an accident.

Say you're hand-propping your plane with intentions of taxiing across the field to a mechanic. It takes off without you, comes back and slams into the earth in the precise spot you're standing, eliminating just about any trace that you were ever there. As far as the NTSB is concerned, a reportable accident has not occurred.

But you, standing here in the field with your aircraft, clearly intended to fly the plane today. Still, an emergency off-airport landing, by itself, hardly constitutes an accident.

Let's go back to the definition of an accident and the part about bodily harm. Have you even had a "serious" injury? As defined by the NTSB, a serious injury is one that requires hospitalization of more than 48 hours (unless more than a week elapses before hospitalization). Any bone fracture besides those of the fingers, toes or nose is also considered serious. So are lacerations that cause severe hemorrhages. The same goes for severe damage to internal organs or muscle, tendon or nerve tissue. Second- or third-degree burns, or any burns affecting more than 5% of the body also qualify as serious.

Checking yourself over, you decide none of that applies to you. Other than incipient black and blue marks from your knocking knees, you appear to be uninjured.

Now what about the aircraft? Has it sustained "substantial" damage? Under the NTSB's regs, that's defined as damage or structural failure that adversely affects the structural integrity, performance or flight characteristic, and that would normally require major repair or replacement. It doesn't include minor damage, such as bent fairings or cowlings, dented skin, small puncture holes, or ground damage to the prop, landing gear, wheels, tires, flaps, engine accessories or wingtips.

An engine failure by itself is not considered "substantial damage" if no more than one engine fails - even if it's the only engine you have.

Note that a gear-up landing, for example, is not an accident. Without death, serious injury or substantial damage, you haven't had an accident. If you've only had minor damage, you've had an "incident." And unless you've had an accident, you don't have to report your mishap.

Okay, you've had a minute to walk around, look at the airplane and try to put your heart back in your chest. You see the bird is a little more crippled than you first thought. You hadn't realized you hit a tree on the way down. That bend in the wing is definitely structural damage. Looks like notification is required.

According to the rules, the operator of an aircraft that's involved in an accident must notify the NTSB's nearest field office by the most expeditious manner possible. Field offices are located in Anchorage, Atlanta, Chicago, Denver, Fort Worth, Kansas City, Los Angeles, Miami, New York and Seattle. They're listed under "U.S. Government" in the phone book. A written report of the accident must subsequently be submitted. The NTSB defines the operator as "any person who causes or authorizes the operation of an aircraft, such as the owner, lessee or bailee of an aircraft."

If you rented the aircraft, and the FBO notifies the NTSB, that will satisfy the operator-notification requirement, but the pilot will still be expected to file an accident report (NTSB Form 6120.1/2, provided by the NTSB) within 10 days of the accident.

***Newsletter editor's note: This article was provided for our edification by Tom Sparr, who received kind permission from Mr. Kirk Gormley of General Aviation News for this reprint.***

The following information must be provided to the NTSB in the initial notification:

- \* Type, nationality and registration of the aircraft; name of the owner and operator.
- \* Name of the pilot in command.
- \* Date and time of the accident.
- \* Last point of departure and point of intended landing of the aircraft.
- \* Position of the aircraft in relation to an easily identifiable geographic location.
- \* Number of people aboard.
- \* Number of people who were killed and the number who were seriously injured.
- \* The nature of the accident.
- \* The weather.
- \* The extent of known damage to the aircraft.
- \* A description of any explosives, radioactive materials or other dangerous material aboard the aircraft.

It can take anywhere from a few hours to a day to launch an accident investigation. The extent of the investigation is determined by information gleaned at the accident site, according to NTSB spokesman Keith Halloway.

If you simply ran out of fuel, the NTSB is unlikely to mount a full investigation. But if some type of leakage, for example, is responsible for lost fuel, a more extensive investigation might be conducted. Or if an accident was precipitated by a gear-up landing, and the gear wouldn't go down because of a mechanical problem as opposed to forgetfulness, the NTSB might take a closer look to see if the problem might affect other aircraft. Based on its findings, the NTSB may or may not notify the FAA, which can then start its own investigation.

Now let's look at what happens if the FAA gets involved. Public Law 44709 gives the FAA the power to investigate anything that could constitute a violation of the FARs. Suppose you made an off-airport landing, your plane is undamaged, and you call and report the situation to the FAA. Officials from the agency will likely want to know why the engine stopped. Let's say you ran out of fuel, or maybe there was water in the fuel lines and you didn't do a good job of sumping the tanks, or the weather suddenly deteriorated and you decided to land rather than fly into IFR weather. All of those scenarios constitute FAR violations and could trigger an enforcement action or a reexamination of your pilot's certificate.

In the case of a reexamination, the FAA could decide you need to undergo recertification and order you to fly with an instructor to demonstrate you are qualified to act as PIC. (This is known as a "709 ride.")

The enforcement action could take the form of a warning letter, or a suspension or revocation of your pilot's license. According to the Aircraft Owners and Pilots Association, the FAA uses incident reports as a significant source of enforcement actions against general aviation pilots.

In the real world, the FAA may often hear about an accident or incident from sources besides the pilot involved or the NTSB. FAA authorities are often notified by flight-service-station or ATC personnel, or local police.

If the FAA is notified, an investigator from the agency will likely contact the pilot to gather information. (The FAA accident/incident reporting form is 8020-23.)

To avoid providing information that may be used against them, pilots are advised by advocates to seek legal advice and perhaps representation before speaking with the FAA.

Okay, let's say your plane wasn't damaged when you landed in the field. You discovered a fuel line had come loose, you fixed it and flew off on your way. A farmer, however, got your tail number, reported it to the FAA, and an investigator has called to inquire about what happened.

Maybe, after consulting with an aviation-law expert or attorney, you tell them you made a precautionary landing. If the FAA isn't satisfied with your explanation and decides to proceed with an investigation, it will send you a Letter Of Investigation (LOI). You typically have 10 days to respond. There is no requirement to respond, but the FAA does not look kindly on stonewalling. Investigators may, if they feel they have sufficient information, issue a violation or administrative action without your input.

If the FAA issues a violation, with or without your input, you can request an informal conference with the FAA. This will usually involve an FAA inspector, an FAA attorney and the subject of the investigation - in this case, you.

You may bring an attorney. If you convince FAA officials that the violation was issued in error and the agency's claims are erroneous, the enforcement action will be dropped.

Grounds for reversal include proof that eyewitness accounts were inaccurate, but that rarely happens. A reversal is even less likely if you declined to respond to the FAA's LOI.

If you fail to get the violation dropped at the informal conference, you can appeal to an administrative law judge, who works for the NTSB. If the judge declines to reverse the finding, you can appeal to a full board of the NTSB. That hearing will include FAA representatives, you and your representatives. (While it's possible, though inadvisable, to represent yourself during the initial FAA investigation or the administrative hearing, legal counsel is required for the formal appeal.) If you fail here - and most do - you've reached the end of the appeals line.

Now let's talk gray areas. On further inspection, you're wondering if the wing is as badly damaged as you first thought. Obviously it's to your advantage to have it classified as an incident rather than an accident to avoid the FAA's pesky attention. Get an opinion on the determination from an A&P (airframe and powerplant) mechanic, an IA (an A&P with inspection authorization from the FAA) or a DAR (designated airworthiness representative).

Consulting with an expert will put you ahead in the long run if the FAA raises issues about your incident/accident determination or accuses you of covering up an accident.

Here's another gray area. Say you get a call from the tower after an incident occurred on your airport. The tower chief wants to make sure you're aware of the relevant safety issues, but you avoid him because you heard you're never supposed to answer questions from the FAA. That may provoke him into reporting the incident up the

chain of command, potentially escalating what could have been a simply resolved situation into an enforcement action.

Unfortunately there are no hard and fast rules here. But you're supposed to have a brain in order to act as PIC, and here's another good place to use it. As one FAA operations inspector said on the subject, "Being we are all human, we like to settle these things the easiest way we can."

Insurance is another issue that needs to be addressed after an accident or incident. If there has been damage, get in touch with your carrier or agent as soon as possible. Make sure you have a contact number in your flight bag. And be prepared to take an active role in getting your ship fixed. Get quotes from reputable shops to ensure your insurance company pays for repairs. For example, if you have a prop strike and three shops advise you to overhaul the engine but the insurance company suggests simply fixing the prop, fight for the complete repairs. Fortunately, most insurance companies are willing to pay for the proper rehab. And don't hesitate to call your insurance company after landing in a field - even if you've had no damage and could likely fly the airplane away. Bob Haag, an agent with Falcon Insurance, notes that many policies will pay to have undamaged planes transported from an off-airport landing site to an airport.

For help with avoiding that David vs. Goliath feeling should you find yourself dealing with the FAA, join the AOPA Legal Services Plan. At \$29 per year it's an excellent ounce of prevention. Members have access to aviation attorneys, and the plan pays for representation at legal hearings. There are reimbursement limits at the various levels of appeal, but the plan picks up "tens of thousands of dollars" of a pilot's legal expenses in those cases, says Woody Cahall, AOPA's vice president of aviation services.

The last thing to remember before you make that first call: You're on the ground, you're safe, and a plane is, after all, replaceable.

As insurance agent Bob Haag says about those accidents and incidents where everyone walks away: "The bottom line is, it's not the end of the world."

And just think of the great hangar-flying story you'll have to tell.

## **Editor's Corner**

I feel there is nothing I can say that hasn't already been said about the heinous acts of Tuesday morning, but I didn't want anyone to think I am ignoring what happened. I have faith in our country and our way of life, and I know we will prevail in the end.

By way of business, I would like to ask everybody to check their most current roster and let me know if anything has changed (address, phone number, etc.). Most especially, I need to know your e-mail address if it has changed.

Again, if anybody is not getting the newsletter by e-mail who would like to, let me know. If you are getting it both ways, let me know which way you want to stop. God bless, and I hope to see you all at the next meeting.

***Jim Bower - editor***



# **What do I do after an accident?**

By JOHN “JT” HELMS

For General Aviation News

While each aircraft accident is unique unto itself, here is a simple checklist that should help an aircraft owner get his claim started as quickly and as smoothly as possible:

- \* Seek medical attention for anyone who is injured, including yourself.
- \* If possible, before anything is moved, take photographs of how the aircraft came to rest. Include photos of skid marks, other damaged property, and parts that may not still be attached to the aircraft.
- \* Contact airport personnel, the FAA, NTSB or local police. The aircraft will need to be moved if it is on an active runway or a road. Remember pictures (Item 2). Secure the airplane from further danger (physical damage, looting, weather, etc.) if possible.
- \* Contact your insurance agent or insurance company. Their contact information should be on the policy or on your insurance card. Tell them you have a claim. They should give you priority handling by taking your information immediately. Depending on the time of day, you may have to leave a message, but they should return your call as soon as possible. Be prepared to give:
  - \* The location of the aircraft.
  - \* Pilot information.
  - \* An injury synopsis, with names and contact info of those who have been injured.
  - \* An aircraft damage synopsis.
  - \* A synopsis of other property damage, including the N-number of other aircraft involved, the name of the other pilot and, in the case of an off-airport landing, contact information on the property owner.
  - \* As much other contact information as possible.
  - \* A damage estimate, if a formal one has been done.

The insurance company's adjuster should contact you within one business day after you've reported the claim. The adjuster is your primary contact regarding the claim. If you do not hear from the adjuster, or if you have a problem with the adjuster, contact your agent. Your agent can investigate and help resolve problems.

# **Safety Thru Education**

**mr. bill**

Tell me what is wrong with this picture? I am sitting next to Al T. Meter in his new Skyhopper aircraft he built. He has flown the 40 hours off the new airplane as is required by the FAA. Mr. Meter says, "Hey Bill you want to go for a ride?" I say, "Sure!" Well on short final Mr. Meter touches down in the grass short of runway 18 at Smartt Field and bounces back up and then lands smartly on the runway and proceeds to ground loop the airplane hitting the right wing and aileron on the ground. Well when the dust settles and the friendly FAA shows up to talk to Mr. Meter. What may happen?

The FAA will ask to see Mr. Meter's aircraft paperwork and check his license and logbook. We can figure that the aircraft will pass the test as long as nothing major was changed. (Changing propeller type, ignition systems, etc.. would be a major aircraft change that would require you to have the airplane reinspected). The FAA will look at Mr. Meter's logbook for a Biennial Flight Review, a tailwheel sign-off and his three take-off and landings to a full stop in the last 90 days.

Well the airplane has damage and an accident report must be written up within 10 days if the FAA requests it... and they will. Hopefully Mr. Meter submits a very brief statement of what happened.

Well next is the blame game. Who is at fault for this excursion? Let's see, Mr. Meter has a Private Certificate with 200 hours and the guy in the right seat has 11,000+ hours and holds a Certified Flight Instructor -Airplane (CFI-A) Certificate. He also checked Mr. Meter out in a tailwheel aircraft prior to Mr. Meter flying his tail dragging Skyhopper. Well the FAA will go after the guy who is the most qualified pilot. Why you ask? I asked why too! Because I as a tailwheel certified, CFI-A pilot should not have let Mr. Meter get into that situation. The statement, "Well Bill why did you let him do that to the airplane?" Really sir I did not want him to but .. It has been stated to us Instructors that if you want to be removed from blame then very clearly, up front and in writing, state that, I, Mr. Bill am not assuming any pilot in command roles or responsibilities on this flight. Just remember, and this will be hard to do, that if you want no responsibility then DO NOT touch the controls. Easier said than done I am sure.

**The first manned balloon flight in St. Louis occurred in..... 1836**

## Proceeds from Art Raffle to Benefit Wings of Hope

Mr. William S. Phillips is a renowned aviation artist whose paintings have been shown at the National Air and Space Museum. He was chosen to be a U.S. Navy combat artist, and has had paintings commissioned by the Royal Jordanian Air Force. He holds many awards, including the Navy's Meritorious Public Service Award and the Air Force Sergeants Association's Americanism Medal.

On October 20, 2001, the Art Gallery of Hog Hollow will be featuring the works of Mr. Phillips, and you will have the opportunity to meet him. In addition, one of his artist's proof prints will be raffled off, with all proceeds to benefit the Wings of Hope. Plan to be there between 2 and 5 pm. at 14140 Olive Blvd. Chesterfield, MO. Call the Art Gallery of Hog Hollow at (314) 469-6125 for more information.



**"Victory Pass"**

**"The Beginning of the End"**

**(This and one other print is  
signed by Paul Tibbets.)**



## John F. Outlaw Field Celebration Day Fly In

EAA Chapter 1284 (Clarksville, Tennessee) is sponsoring a fly-in at Outlaw Field on Saturday, October 13, 2001. The fly-in breakfast starts at 6:00 am; the field is open to the general public between 9:00 am and 5:00 pm. Many displays and demonstrations including 101st Airborne Division aircraft, ground equipment, parachute team, and band. Also there will be demonstrations by the Clarksville police and fire departments, a classic car show, and much more. Food & beverages available, admission is free, camping available on the airport grounds. Free transport to town if you RON. Fly-in pilots, please bring your own tie-downs. See Chapter 1284's website:

**[www.eaa1284.org](http://www.eaa1284.org)**

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