



National Transportation Safety Board Aviation Accident Final Report

Location:	CARTER, OK	Accident Number:	FTW99LA003
Date & Time:	10/02/1998, 1430 CDT	Registration:	N9838R
Aircraft:	Beech M35	Aircraft Damage:	Substantial
Defining Event:		Injuries:	1 None
Flight Conducted Under:	Part 91: General Aviation - Personal		

Analysis

The airplane impacted terrain following a forced landing resulting from a loss of engine power while in cruise flight. The airplane underwent 'extensive' modification and repair for five to six months prior to the flight. Several maintenance personnel, who were working on the airplane the morning of the accident, stated that the pilot wanted the airplane back, even though he was told that maintenance was not complete. Also, one maintenance person reported that the pilot said, 'no matter what, I'm pulling this airplane out and flying to Albuquerque.' After about 30 minutes of flight, the engine 'quit.' The left wing tank fuel quantity gauge indicated '3/4 full.' The pilot then switched the fuel tank selector switch from the left main wing tank to the right main wing tank and attempted to restart the engine, but was unsuccessful. He then tried to restart the engine with the auxiliary tank selected, but was unsuccessful. A forced landing was executed to a paved, country road. The airplane veered to the right into a ditch, subsequently the right wing dug into the ground and turned the airplane 180 degrees into a ditch.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: Fuel starvation. Factors were; the pilot's self induced pressure to fly the aircraft when maintenance had not been completed, poor judgement by the pilot to commence and continue flight with known deficiencies in the aircraft, and the lack of suitable terrain for a forced landing.

Findings

Occurrence #1: LOSS OF ENGINE POWER

Phase of Operation: CRUISE

Findings

1. (C) FLUID,FUEL - STARVATION
2. (F) JUDGMENT - POOR - PILOT IN COMMAND
3. (F) OPERATION WITH KNOWN DEFICIENCIES IN EQUIPMENT - CONTINUED - PILOT IN COMMAND
4. (F) SELF-INDUCED PRESSURE - PILOT IN COMMAND

Occurrence #2: FORCED LANDING

Phase of Operation: EMERGENCY DESCENT/LANDING

Findings

5. (F) TERRAIN CONDITION - NONE SUITABLE
6. TERRAIN CONDITION - DITCH

Factual Information

On October 2, 1998, at 1430 central daylight time, a Beech M35 single engine airplane, N9838R, owned and operated by the pilot, was substantially damaged when it impacted terrain during a forced landing following a loss of engine power near Carter, Oklahoma. The private pilot, who was the sole occupant, was not injured. Visual meteorological conditions prevailed and no flight plan was filed for the Title 14 CFR Part 91 personal flight. The flight originated from the Clinton/Sherman Municipal Airport, Clinton, Oklahoma, at 1400.

The pilot intended to remain in the traffic pattern at the Clinton/Sherman Municipal Airport, but on the initial climb passing through 800 feet AGL he observed clouds "hanging down into the downwind leg," and decided to climb above the clouds. The pilot referenced the vertical speed indicator and interpreted its display as indicating a 500 foot per minute descent, which contradicted the readings the attitude indicator and altimeter were displaying. He leveled the airplane at 8,500 feet and began to evaluate the situation.

"Approximately, 30 minutes into the flight the engine sputtered and quit." The pilot noticed that the fuel gauge for the selected tank (left main) was reading 3/4 full and then he verified that the fuel selector was on the left main. He switched the fuel selector to the right main fuel tank and attempted to restart the engine, but was unsuccessful. He then switched to the auxiliary fuel tank and attempted to restart the engine and was unsuccessful. Subsequently, he descended the airplane through several cloud layers, lowered the landing gear and attempted to land on a small, paved road. Upon touchdown, the airplane was 10 to 20 degrees out of alignment with the road. Subsequently, the airplane veered to the right into a ditch, whereby the right wing dug into the ground and spun the airplane 180 degrees.

According to the pilot the airplane underwent "extensive modifications," during the 5 to 6 months prior to the flight. An FAA certified airframe and powerplant mechanic who was working on the airplane stated that he informed the pilot that the oil temperature gauge was inoperative. The pilot asked the mechanic if "anything quickee could be done?" The mechanic attempted to correct the problem, but told the pilot, "I'm not finished with this aircraft." A few minutes later he observed the airplane take off.

Another mechanic who was installing equipment on the airplane the morning of the accident stated that the pilot appeared in the hangar at 0830 on the morning of the accident. The pilot complained because the work on the airplane was not complete. The pilot then began working on the airplane. The mechanic reported that the pilot stated "No matter what I'm pulling this airplane out and flying to Albuquerque."

A witness who conversed with the pilot at the airport the morning of the accident reported that the pilot stated that "he was going to fly his airplane whether the airplane was finished or not."

According to a work order provided by Gipson Aviation located at the Clinton Municipal Airport, Clinton, Oklahoma, and the airplane's discrepancy log, the instrument panel was repaired and reinstalled. At the time of the accident the installation work, which requires an FAA field approval before the airplane returns to service, had not been inspected by the FAA.

An FAA inspector examined the airplane at the site and reported that the left wing fuel tank was empty. The right wing fuel tank was full and the left and right auxiliary fuel tanks were full.

The aircraft is equipped with two switches for selecting a fuel tank. One switch indicates right or left and the second switch indicates main or auxiliary.

Pilot Information

Certificate:	Private	Age:	56, Male
Airplane Rating(s):	Single-engine Land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	Seatbelt
Instrument Rating(s):	Airplane	Second Pilot Present:	No
Instructor Rating(s):	None	Toxicology Performed:	No
Medical Certification:	Class 3 Valid Medical--w/ waivers/lim.	Last FAA Medical Exam:	11/13/1997
Occupational Pilot:		Last Flight Review or Equivalent:	
Flight Time:	479 hours (Total, all aircraft), 11 hours (Total, this make and model), 479 hours (Pilot In Command, all aircraft), 26 hours (Last 90 days, all aircraft), 1 hours (Last 30 days, all aircraft), 1 hours (Last 24 hours, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	Beech	Registration:	N9838R
Model/Series:	M35 M35	Aircraft Category:	Airplane
Year of Manufacture:		Amateur Built:	No
Airworthiness Certificate:	Normal	Serial Number:	D-6386
Landing Gear Type:	Retractable - Tricycle	Seats:	4
Date/Type of Last Inspection:	09/01/1998, Annual	Certified Max Gross Wt.:	2950 lbs
Time Since Last Inspection:	1 Hours	Engines:	1 Reciprocating
Airframe Total Time:	3875 Hours	Engine Manufacturer:	Continental
ELT:	Installed, not activated	Engine Model/Series:	IO-470-C
Registered Owner:	JACK C. LOGAN	Rated Power:	250 hp
Operator:	JACK C. LOGAN	Operating Certificate(s) Held:	None

Meteorological Information and Flight Plan

Conditions at Accident Site:	Visual Conditions	Condition of Light:	Day
Observation Facility, Elevation:	CSM, 1922 ft msl	Distance from Accident Site:	17 Nautical Miles
Observation Time:	1253 CDT	Direction from Accident Site:	215°
Lowest Cloud Condition:	Scattered / 200 ft agl	Visibility	4 Miles
Lowest Ceiling:	Broken / 3400 ft agl	Visibility (RVR):	0 ft
Wind Speed/Gusts:	6 knots /	Turbulence Type Forecast/Actual:	/
Wind Direction:	120°	Turbulence Severity Forecast/Actual:	/
Altimeter Setting:	29 inches Hg	Temperature/Dew Point:	18° C / 18° C
Precipitation and Obscuration:			
Departure Point:	CLINTON, OK (CLK)	Type of Flight Plan Filed:	None
Destination:		Type of Clearance:	
Departure Time:	1400 CDT	Type of Airspace:	Class E

Airport Information

Airport:	CLINTON-SHERMON AIRPORT (CSM)	Runway Surface Type:	
Airport Elevation:		Runway Surface Condition:	
Runway Used:	0	IFR Approach:	None
Runway Length/Width:		VFR Approach/Landing:	Forced Landing

Wreckage and Impact Information

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

Administrative Information

Investigator In Charge (IIC):	ALEXANDER LEMISHKO	Report Date:	02/16/2001
Additional Participating Persons:	RICHARD J FLETCHER; OKLAHOMA CITY, OK		
Publish Date:			
Investigation Docket:	NTSB accident and incident dockets serve as permanent archival information for the NTSB's investigations. Dockets released prior to June 1, 2009 are publicly available from the NTSB's Record Management Division at pubinquiry@ntsb.gov , or at 800-877-6799. Dockets released after this date are available at http://dms.nts.gov/pubdms/ .		

The National Transportation Safety Board (NTSB), established in 1967, is an independent federal agency mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable causes of the accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The NTSB makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

The Independent Safety Board Act, as codified at 49 U.S.C. Section 1154(b), precludes the admission into evidence or use of any part of an NTSB report related to an incident or accident in a civil action for damages resulting from a matter mentioned in the report. A factual report that may be admissible under 49 U.S.C. § 1154(b) is available [here](#).