

FIFTEEN STATES OPPOSE FAA ADOPTION OF PART 137 FOR CONTROL OF AERIAL SPRAYERS

At a public hearing at Oklahoma City, Okla., November 5, representatives from fifteen states, two national pilot groups and Piper Aircraft Corporation, testified in opposition to the Federal Aviation Agency's proposed Part 137, for the federal regulation and control of aerial applicators.

Included in the group opposing Part 137 were Harold G. Vavra, director of N.D. Aeronautics Commission; Alfred C. Pietsch, Minot, Vice Chairman of the Commission; Daniel Wakefield, Devils Lake, Treas., Robert Wells, Langdon, Vice Pres., and Vincent Buraas, Northwood, all representing the N.D. Aviation Operators Association.

Other states opposing the FAA's proposed Part 137, speaking through the voice of each State's agricultural applicator trade association were South Dakota, Montana, Arizona, Alabama, Iowa, Kansas, Louisiana, Texas, Mississippi, Nebraska, Oklahoma, Missouri, Idaho and Washington. Both the National Aviation Trades Association and the Aircraft Owners and Pilots Association took a position in opposition to proposed Part 137, as well as a representative of Piper Aircraft Corporation. Representatives of the California Ag. Operators group, indicated that they did not realize the extent of opposition to FAA control of agricultural operators. California did not take a position at the hearing, but indicated it would submit a written statement later. Minnesota was not represented at the hearing, but mailed a written statement, which was not made public. There were no state agricultural operators group in the nation that testified in favor of Part 137 at the open hearing.

Two federal agencies testified that the FAA should not only adopt the proposed regulations, but should make them tougher by requiring all agricultural operators to take a federal knowledge test on the use of chemicals. These agencies were the U.S. Department of Agriculture and the U.S. Public Health Service. A representative from the California State Department of Agriculture testified in favor of Part 137.

Most of the States represented, testified that they have state controls set up in recent years and do not need or want duplicate federal control over the aerial crop spraying industry.

The North Dakota Aeronautics Commission, through its Director, petitioned the Federal Aviation Agency, Washington, D.C. for a public hearing for Part 137 in June this year, after determining that the FAA was expected to adopt Part 137 as law by July 1, 1964.

The petition was followed up by several letters to the FAA Regulatory Council and further letters and a petition to the General Counsel of the FAA. Finally, the FAA General Counsel's office granted the hearing, which was requested by the State of North Dakota. A transcript was made of the hearing by a court reporter, which is available to any interested person at an estimated cost of \$100.00. The FAA will now take the matter under further advisement.

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GERHARD PIETSCH - MINOT WINS FAA MECHANIC AWARD

Gerhard Pietsch, Minot, owner of Pietsch Electronics at Minot International Airport, won the annual FAA mechanic safety award for 1964.

Harold G. Vavra, director of the N.D. Aeronautics Commission presented the FAA plaque award to Mr. Pietsch on behalf of Governor William L. Guy, in the Governor's office. Taking part in the ceremony were Lester Severance, Fargo, FAA Supervising Inspector; Everett Dunkin, Fargo, FAA Chief of Maintenance and Jack K. Daniels, Williston, Chairman of the State Aeronautics Commission.

The FAA has established an annual award, honoring aviation mechanics in each State, for outstanding contributions to air safety.

The State Committee for selecting the award winner this year, included Major James Grimstad, Bismarck, Jackson Riedesel, a Fargo contractor pilot and Harold G. Vavra.

The award plaque was earned by the Minot man for devising a compact radio switching device, which may be installed on any aircraft, which permits the pilot to control various radio units in an aircraft with maximum efficiency and without diversion from flying the plane. About 15 persons in the State submitted mechanical and radio improvements for increased safety in the contest. Pietsch is eligible to participate in FAA regional and national competition.

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COMMISSION DISTRIBUTES REGISTRATION FUNDS TO COUNTIES

The Aeronautics Commission mailed checks to 51 County Treasurers, a total of \$11,440.44, which represents the counties' apportionment of aircraft and aerial spraying license fees collected in the State. A total of 911 aircraft were registered in the State. The County Treasurer is required by law to remit the funds to approved publicly owned and operated airports in the County. The County gets 75% of each aircraft registration fee and 50% of each spray plane license fee, which is earmarked for airport improvements. Top Counties in the State were Cass - 91; Ward 73; Grand Forks 59; Williams 46; Burleigh 41; Stutsman 38; Adams 33; Richland 32; Ramsey and Barnes 28.

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2-DAY FREE INSTRUMENT REFRESHER COURSE, November 28-29th, Fargo, N.D.

For the first time in the State, North Dakota pilots will have an opportunity to attend an instrument refresher course, designed for the benefit of general aviation pilots, who do, or expect to, fly in an IFR environment.

James Peterson, originator of the project, indicated the course is designed to reacquaint pilots with the principles of instrument flight and review the associated factors that affect IFR flying. An ever-increasing number of accidents are contributed to weather. The instrument refresher course is designed to give a brief background that will help provide for more safe and sane flying.

The Course is designed to review basic fundamental subjects that affect the pilot and airplane flying under instrument conditions. The majority of the lectures to be presented will be by specialists from the FAA Flight Academy located at Oklahoma City.

This Course is presented free of charge to any pilot who desires to be brought up to date on the principles, regulations and developments, associated with instrument flying.

The Course will be presented in the pilots classroom at the North Dakota Air National Guard facility in Fargo, North Dakota. Pilots arriving by aircraft are requested to advise Fargo Tower on landing, that they plan to attend the Instrument Refresher Course and transportation will then be furnished to the Guard.

Van Dusen Aircraft Supplies has graciously consented to host a cocktail hour at the Town House Motel on Saturday evening. Kunderdt Aviation of Fargo will host the Saturday night banquet for those registered in the Course. Arrangements are being made to have the lunches hosted by other manufacturers. Its free, all you have to do is attend. We are sure you will find this to be one of the most beneficial courses you have ever attended.

If at all possible, please send in the advance registration form below, in order that we may be of more service to you.

COURSE AGENDA:

Saturday - November 28

09:30 - 10:00	Registration
10:00 - 10:15	Introduction
10:15 - 11:00	Weather
11:00 - 12:00	Flight Instruments
12:00 - 13:00	Lunch
13:00 - 14:00	Flight Instruments
14:00 - 14:30	Flight Surgeons
14:30 - 16:00	Aids to Navigation
16:00 - 17:00	Air Traffic Control Procedures
18:00	Cocktails and Dinner

Sunday - November 29

08:30 - 10:00	Aids to Navigation
10:00 - 11:00	Weather
11:00 - 12:00	Instrument Regulations
12:00 - 13:00	Lunch
13:00 - 13:30	Flight Information Publications
13:30 - 14:30	Navigational Short-cuts
14:30	Discussion and Displays

RESERVATION FORM

MAIL THIS RESERVATION TO:

Major James Peterson
North Dakota Air National Guard
Box 1155
State University Station
Fargo, North Dakota

NAME OF PERSON ATTENDING:
(Instrument Refresher Course)

ADDRESS

TIME OF EXPECTED ARRIVAL

DO YOU DESIRE HOTEL RESERVATIONS

yes, no

(Tear off and mail to above address)

FIRST WEATHER FATALITY OF YEAR

Pilot: Dr. Duane Donald Rubbert, LaMoure, N.D.
Time & Place: November 1, 1964 - 10:25 a.m. - 4 miles South of Verona, N.D.
Pilot Time & Ratings: 10:35 TT including fatal flight - Student - Age 33
Aircraft & Damage: Cessna 150, 100 HP - Totally destroyed.

Investigation revealed: Dr. Rubbert had soloed on the preceding Friday, Oct. 30th, and on the morning of the accident, had gone out to the Airport very early, 7:00 a.m. to make a solo flight, he returned to the hospital because of fog, picking up some manuals to study while he waited for the fog to lift. According to local people at LaMoure, the sun broke through at about 8:30 and by 8:45, someone heard an aircraft take off. The aircraft was later seen by farmers, doing turns and rectangular patterns in the practice area. A farmer in the same area said, that when he awoke in the morning, the sun was shining and it was clear, but to the south, east and west, were what to him appeared like very low clouds. While he was doing chores, it suddenly began to get dark and the fog seemed to grow right on the ground.

It is surmised that as Dr. Rubbert was doing his practice maneuvers, local atmospheric suddenly generated the fog underneath him, cutting him off from the Airport. At 10:00 a.m. temperature & dew point were both at 45 degrees at Jamestown, while at Aberdeen, the temperature was 45 and the dewpoint being 44. Jamestown gave the ceiling as indefinite 300' with 1½ miles fog, while Aberdeen gave indefinite 10" ¼ mile fog.

Dr. Rubbert was observed flying at a very low altitude several miles to the southeast of the crash site by some hunters. The hunters were in a valley and they observed the plane flying in and out of clouds. Just prior to the crash, witness heard the plane in the fog, but did not see it. The engine was functioning but it appeared that the pilot was gunning the plane.

Investigation of the wreckage revealed that the aircraft struck with the nose down about 70 degrees and was not rotating at the time of impact. The engine was delivering power. It appears that the aircraft stalled from a low altitude (about 50' - 100') and struck the ground shortly after the break of the stall, before flying speed was picked up. The impact killed the pilot instantly. Visibility was zero at the crash scene according to farmers in the area.

(Editors note:) This accident is a good example why a pilot should always pay close attention to the spread between temperature and dew point, conditions can change very rapidly in the space of minutes. Don't venture into an area such as this, under VFR conditions. Specifically, a dew point value, relatively close to the air temperature, is indicative of the probability of fog, low clouds, or precipitation.

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FILMS AVAILABLE

Films are available from the North Dakota Aeronautics Commission on a loan basis. Indicate first and second choice and allow at least a week for films to arrive, before they are needed. They are the following:

- (1) "The Flying Businessman" - running time about 14 minutes, 16mm, color and sound. This film is about the business use of the airplane and shows the extent of business flying. It also shows the airplane and how it functions and takes up the business of learning to fly.
- (2) "Agricultural Aviation" - running time 14 minutes, 16mm, color and sound. This film takes a comprehensive look at the aerial application of insecticides, herbicides and fertilizers on America's most stable crops. It shows insect control, defoliation of cotton, aerial spraying of wheat and grains.
- (3) "Flight Decision" - running time 14 minutes, 16mm, color and sound. A safety film applicable to general aviation and brings in clear analysis to the pilot the fact that it isn't so much the elements, as it is the pilot's decision, to fly or continue into such elements or circumstances.
- (4) "To Save A Life" - running time 15 minutes, 16mm, black and white, sound. AOPA 180° course. A safety film showing basic techniques using rudder and trim in making a 180 degree turn to extricate yourself in an inadvertent weather penetration. This method not designed to take the place of instrument flying, but relies on the basic stability of the aircraft in keeping the occupant alive.
- (5) "Man In Space" - running time 30 minutes, 16mm, color and sound, animated Walt Disney production relative to placing a man in space and the problems he will encounter. This film of course is dated now with our vast information, but it is humorous and still educational in a sense.
- (6) "Best Investment We Ever Made" - running time 20 minutes, color and sound. This film was produced by the Federal Aviation Agency and narrated by Arthur Godfrey. It is designed to show community leaders that an airport or airstrip is a means of ingress and egress to their community and that everyone benefits from a good airport or strip. The film also depicts how a businessman uses an aircraft to move top plant personnel about, choose new industrial sites and the use of aircraft in the movement of goods and repairs.

ACCIDENTS

Pilot: V.M. Draper, Crookston, Minnesota
Time & Place: May 14, 1964 - 10:30 a.m., Wright Field, Michigan, N.D.
Pilot Time: 2140 hrs. TT - Private ASEL, age 42
Aircraft & Damage: Cougar - Severe breakage of tubing at landing gear attachment station.
Injuries: None

Pilot Statement: On May 14, 1964 I was on a cross country flight from Crookston, Minn. to Michigan, N.D. departing the former about 9:40 and arriving over destination about 10:30 a.m. Michigan Airport has four runways but the wind was between the south and southwest runways, quite strong and with much ground turbulence. I made a power approach to the south with the wind making the approach quite difficult. The tailwheel made contact with the ground first, then the main wheels about 500' down the runway. When the main wheels made contact they came down in a very deep rut from a truck or tractor which had been driven across the runway, when it was extremely soft from heavy rains earlier. As a result, the wheels could not roll until after they tore through the side of the run, plowing a furrow about 2 ft. long. The impact was such that had I not been wearing a shoulder harness, I would have sustained injury from hitting the instrument panel. Although no immediate damage was discernible, shear forces had made the airframe weaker and it is believed, subsequent use of the aircraft (4 flights) caused progressive deterioration, due to flexing action of the spring steel landing gear, causing fuselage members affected to bend and crack where weakened by impact. The aircraft was thoroughly inspected immediately after the landing, including dropping of cowlings, etc., covering the affected members.

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Pilot: Myron Good, Rolla, N. Dak.
Time & Place: June 1, 1964 - 6:30 p.m. - Rolla, N.D.
Pilot Time: 1000 hrs. TT - Commercial - age 37
Aircraft & Damage: Piper PA-18 - Damaged landing gear.

Injuries: None

Pilot Statement: I took off with a full load of chemical and $\frac{1}{2}$ mile from the field, the engine started missing and then quit. I landed in a summer fallow field and the landing gear collapsed. There is some minor damage to one wing.

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Pilot: James R. Grimm, 120 W. 8th St., Williston, N. Dak.
Time & Place: June 2, 1964 - 10:30 a.m. - Wright Field, Williston, N.D.
Pilot Time: 63 hrs. TT - Student, ASEL, age 40.

Aircraft & Damage: Piper PA-28, Damaged propeller and nose wheel. Injuries: None
Pilot Statement: Point of departure, Glasgow at 9:15 a.m., destination, Williston, N.D. Came in on final approach, touched down, bounced and bent nose wheel and propeller. Nose wheel collapsed.

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Pilot: Dave Hilling, 1620 - 1st Ave. West, Williston, N.D.
Time & Place: June 16, 1964 - 3:30 p.m. - Mandan, N.D.
Pilot Time: 201 hrs. TT - Private, ASEL - age 31
Aircraft & Damage: Piper PA-24, Damaged two wing panels and flap by steel fence posts.

Injuries: None

Pilot Statement: Following a three hour wait at Bismarck for rain showers to pass through the area and ceilings to lift, departed Bismarck and landed at Mandan. Due to relatively calm wind conditions, ground speed at touch down was approximately 75 mph at a point roughly 500 ft. from South end. Due to a great deal of rainfall in the preceding week, the runway was extremely slippery and braking action produced little effect on ground speed. The plane was going approximately 80 mph as the end of the runway appeared, at which time the plane was turned and brought to a stop 5 ft. from runway end, with one wing extending over the fence line marking end of strip.

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Pilot: P. Roy Gregware, 1239 East Highland Acres Road, Bismarck, N.D.
Time & Place: July 16, 1964 - 7:05 a.m. - Wyman Field, Mott, N. Dak.
Pilot Time: 104 hrs. TT - Private, ASEL - age 43
Aircraft & Damage: Piper PA-24, Severe damage to aircraft. Injuries: None
Pilot Statement: Hot humid day with no wind. Normal run up and check off list run through, all functioning normally. Brakes applied and power applied before take-off. Brakes then released exceptionally long take-off run before plane left ground. After breaking ground, plane settled back. Landing gear struck ditch on side of elevated road at end of runway, collapsing the gear and throwing the plane into the ditch at opposite side of road.

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Pilot: Richard Bucknell, c/o Morrison-Knudson Co., Grand Forks, N. Dak.
Time & Place: July 27, 1964 - 3:00 p.m. - Fordville, N.D.
Pilot Time: 1400 hrs. TT - Commercial, ASEL, Instrument - age 26.
Aircraft & Damage: Cessna 180, Bent prop, wings, gear, elevator, wing strut.
Injuries: None
Pilot Statement: On take-off roll, the aircraft went over a ground swell, leaving the ground before flying speed was obtained. As a result, the plane drifted to the left, striking a rock and tearing the landing gear from the aircraft.

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ACCIDENTS - continued

Pilot: A.G. Andrikopoulos, Box 56, Cheyenne, Wyoming
Time & Place: July 27, 1964 - 1:20 p.m. - Bismarck Municipal Airport
Pilot Time: 125 hrs. TT - Student, age 32

Aircraft & Damage: Bonanza K - Gear-up landing, under carriage, prop bent, engine mount and front gear box and engine compartment damaged.

Injuries: None

Pilot Statement: Control tower instructed me to land on runway: "02" or to the Northeast, I made final approach, then tower instructed me that I could not land on taxi-strip but should land to the Northeast. I immediately advanced the throttle and retracted the flaps and landing gear. I was about 200 ft. above the ground when the engine lost power. I then pulled the mixture control from full rich to lean to full rich, then the engine started again. At this point, I started to trim the airplane nose down, then the engine quit again. Then started for an instant, then quit or lost power again. By this time I had contacted the ground in a level attitude with gear up. The aircraft slid on pavement for 30 or 40 ft. before I ran out of runway and slid off into the grass beyond the runway. There was no fire. I cut the switches and the aircraft stopped.

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Pilot: Dennis A. Hawes, 225-11th Ave. N.E., Jamestown, N.D.

Time & Place: August 16, 1964 - 10:55 p.m., Jamestown, N.D.

Pilot Time: 9 hrs. TT, Student, ASEL, age 19

Aircraft & Damage: Cessna 150, Bent propeller and bent stabilizer. Injuries: None
Pilot Statement: I left from Washburn, N.D. at about 9:00 p.m. Sunday the 16th, with a destination of Jamestown, N.D. Somewhere enroute, my radio failed, for when I tuned in on Jamestown radio, I was receiving only static. I decided that since I was only flying at three thousand feet, this was the reason for only static. At about ten miles out of Jamestown, I began broadcasting to Jamestown Airport. After about four calls, I stated that I was receiving only static and then signed off. I had decided that I would wait until I was directly over the Airport to radio again. When I reached the Airport, I began to reduce my altitude. As I brought the throttle back, I began receiving the last of the Jamestown Airport weather report. As soon as Jamestown signed off, I began calling the Airport again, leaving no hint that I was destined for Jamestown. After a few passes, over the airport at six hundred feet, I decided that I would shoot a landing on the road leading to the Airport from Highway 10. I remembered that the weather report said that the wind speed was eight miles per hour and the wind was from the right direction for a landing. As I began to approach the road, I began to worry about the lamp posts on the left side of the road. Because of this, I went into the ditch which was on the right side. In doing this, I damaged the propeller and the stabilizer.

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Pilot: Jack Lindemann, Lucca, N. Dak.

Time & Place: August 25, 1964 - 7:45 p.m. - Lindemann Private Airport, Lucca, N.D.

Pilot Time: 2262 hrs. TT - Commercial, ASEL - Age 37

Aircraft & Damage: Piper J-3 - No aircraft damage.

Injuries: None to pilot, serious injuries to young fellow riding motorcycle.

Pilot Statement: I had completed landing roll to the northwest on a 2200 ft. NW-SE runway. I was about two thirds of the way down the runway, taxiing northwest at 6 to 7 mph, with navigation lights on, when I saw a single small light coming straight at me. I knew that I was moving too slow to accomplish an effective change in direction, so I took the only possible course of action, which was to apply brakes and turn the ignition off. At point of impact with motorcycle, the airplane had no forward motion. However, the prop was still coasting and struck the motorcycle just ahead of the handle bars. The prop apparently stopped about three quarter turn later, with blade in front of the young man riding the motorcycle. As his body surged forward, I believe his forehead hit the flat surface of the prop, causing head and neck injuries. The people who were observing from the hangar, saw the airplane and at least one of them yelled to the cycle rider to stay off the runway. He did not hear because of cycle engine noise and did not see the airplane in time because he was probably looking back toward the hangar, expecting a young cycle rider friend to join him.

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Pilot: Lawrence Ahmann, 1904-3rd St. N.W., Minot, N.D.

Time & Place: September 2, 1964 - 11:15 a.m. - 7 miles north of Stanley, N.D.

Pilot Time: 1600 hrs. TT - Commercial, Flight Instructor, ASEL - Age 30

Aircraft & Damage: Cessna Skylane, Damaged nose gear, both wings and cowl.

Injuries: None

Pilot Statement: While making a low approach looking over a possible landing site, a gust of wind dropped the aircraft about 10 feet, causing the left wing to strike top branches on a tree, was unable to maintain control so pulled power off and settled in.

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FOR IMMEDIATE SALE: 1944 B-75 Stearman; 1957-180 Cessna; 1962-250 Comanche; 1958-180 Comanche; 1947-140 Cessna; 1956-172 Cessna; 1952 - G-Model Bonanza; 1964 Champ Challenger; 1963 Cherokee 160; 1965-180 Cherokee C; 1960-150 Pawnee; 1963-235 hp Pawnee; 1964-235 Pawnee; 1955-PA18A; 1951 PA18-105; 2 - 1953-PA 18's 125; 1950 PA-18-95; 1 day Engine Exchange. Contact Mid-State Aviation, Box 517, Mandan, N. Dak.

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ACCIDENTS - Continued

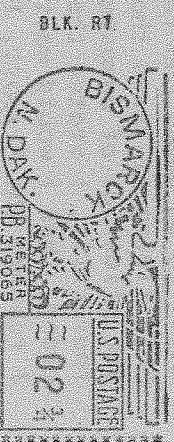
Pilot: R.O. Froling, 2781 So. Fillmore St., Denver, Colorado
Time & Place: Sept. 26, 1964 - 1:55 p.m. - Hector Airport, Fargo, N.D.
Pilot Time: 636 hrs. TT, Commercial, ASEL, Instrument - Age 50
Aircraft & Damage: Cessna 182B, Damaged wings, tail and propeller.

Injuries: None
Pilot Statement: During approach, tower requested me to finish landing run short of the 35 runway, aiming 1500 ft. Final glide required moderate power and manipulation due to high gusty wind. Accident was a nose over, which occurred just after turning down wind off the active 31 runway.

Pilot: Ernest N. Anderson, 1927 E. 33rd St. North, Sioux Falls, S. Dak.
Time & Place: October 11, 1964 - 3:00 p.m. - Anderson Sky Ranch, Powers Lake, N.D.
Pilot Time: 870 hrs. TT - Private, SEL, Age 47
Aircraft & Damage: 'Headwind' - Fuselage bent behind wings, destroyed leading edge of right wing.

Injuries: Minor facial cuts and bruises and neck sprain.
Pilot Statement: I took off from airstrip to make a fly by and followed traffic pattern around airstrip to about $\frac{1}{4}$ mile off head of runway, making turn downwind, then started turn to make fly by at 200 feet east of the strip 200 yds., but I tightened

NORTH DAKOTA AERONAUTICS COMMISSION
BISMARCK MUNICIPAL AIRPORT
P.O. BOX "U"
BISMARCK, NORTH DAKOTA



Margaret Rose
Historical Society
Liberty Memorial Bldg.
Bismarck, N. Dak.

my turn a little too light. It spun out. I recovered from spin. But was too close down the ground.

Pilot: Cordell D. Ekre, Sheldon, N.D.
Time & Place: Sept. 24, 1964 - 4:30 p.m. - Milnor Airport, Milnor, N.D.
Pilot Time: 109 hrs. TT - Private, ASEL - Age 24
Aircraft & Damage: Cessna 140A - Bent prop, minor wing damage.

Injuries: None
Pilot Statement: I was making a normal landing and as it landed and started slowing down, the left wheel hit a gopher mound, which caused the wheel pant to stop the wheel, causing it to skid. It nosed over, almost balancing, but finally landed on its back. The propeller was bent with minor wing damage.

EXPERIMENTAL AVIATION ASSOCIATION

Myron Glandt of Valley City, N.D. is organizing an EAA (Experimental Aviation Association) Chapter. Anyone interested in joining should contact him at Box 855, Valley City, N.D. for further details.

WANTED TO LOCATE: A Menasco engine and propeller hub. Contact Charles Leidal, Box 704, Moorhead, Minnesota.

FOR SALE: Bonanza "K Model" fuel injection, dual beacons, air conditioning, oil filter, pitot heat, fuel panel, auto pilot, aux fuel, curtains, tinted glass, Mk V with VOA-3, ADF 12E2, exhaust gas temp, ext power, winterization. Capital Aviation Corp., Box 1471, Bismarck, N. Dak.
