



Aviation Investigation Final Report

Location:	Las Cruces, New Mexico	Accident Number:	GAA18CA266
Date & Time:	May 8, 2018, 09:15 Local	Registration:	N315BD
Aircraft:	DIVEN ROBERT NIEUPORT 17	Aircraft Damage:	Substantial
Defining Event:	Runway excursion	Injuries:	1 Minor
Flight Conducted Under:	Part 91: General aviation - Personal		

Analysis

According to the pilot in the tailwheel-equipped biplane, the purpose of the flight was to accomplish the first test flight of the experimental, amateur-built airplane. During the takeoff roll, the airplane yawed left when the tail lifted. He reported that the airplane became airborne but would not accelerate. The airplane remained in ground effect, exited the runway, collided with rising terrain, and subsequently nosed over.

The airplane sustained substantial damage to the rudder and the left main and subwings.

The METAR at the airport reported that, about the time of the accident, the wind was from 40° at 4 knots. The temperature was 81°F, and the dew point was 27°F. The barometric setting was 30.12 inches of mercury, and the airport elevation was 4,456 ft. The density altitude was 6,742 ft. The pilot used runway 8.

The pilot reported that there were no mechanical malfunctions or failures with the airplane that would have precluded normal operation.

Probable Cause and Findings

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

The pilot's failure to attain a positive climb rate after takeoff in high-density altitude conditions, which resulted in a collision with terrain.

Findings

Personnel issues	Aircraft control - Pilot
Aircraft	Climb capability - Not attained/maintained
Environmental issues	High density altitude - Effect on operation

Factual Information

History of Flight

Takeoff	Loss of control on ground
Takeoff	Runway excursion (Defining event)
Takeoff	Collision with terr/obj (non-CFIT)
Takeoff	Nose over/nose down

Pilot Information

Certificate:	Private; Sport Pilot	Age:	58,Male
Airplane Rating(s):	Single-engine land	Seat Occupied:	Single
Other Aircraft Rating(s):	None	Restraint Used:	4-point
Instrument Rating(s):	None	Second Pilot Present:	No
Instructor Rating(s):	None	Toxicology Performed:	No
Medical Certification:	Class 3 Waiver time limited special	Last FAA Medical Exam:	August 14, 2014
Occupational Pilot:	No	Last Flight Review or Equivalent:	September 7, 2017
Flight Time:	(Estimated) 71.5 hours (Total, all aircraft), 0.1 hours (Total, this make and model), 28.7 hours (Pilot In Command, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	DIVEN ROBERT	Registration:	N315BD
Model/Series:	NIEUPORT 17 NO SERIES	Aircraft Category:	Airplane
Year of Manufacture:	2018	Amateur Built:	Yes
Airworthiness Certificate:	Experimental (Special)	Serial Number:	046
Landing Gear Type:	Tailwheel	Seats:	1
Date/Type of Last Inspection:	Unknown	Certified Max Gross Wt.:	950 lbs
Time Since Last Inspection:		Engines:	1 Reciprocating
Airframe Total Time:	0 Hrs at time of accident	Engine Manufacturer:	Subaru
ELT:	Not installed	Engine Model/Series:	EA81
Registered Owner:		Rated Power:	60 Horsepower
Operator:	On file	Operating Certificate(s) Held:	None

Meteorological Information and Flight Plan

Conditions at Accident Site:	Visual (VMC)	Condition of Light:	Day
Observation Facility, Elevation:	KLRU, 4456 ft msl	Distance from Accident Site:	0 Nautical Miles
Observation Time:	15:15 Local	Direction from Accident Site:	147°
Lowest Cloud Condition:	Scattered / 11000 ft AGL	Visibility	10 miles
Lowest Ceiling:		Visibility (RVR):	
Wind Speed/Gusts:	4 knots /	Turbulence Type Forecast/Actual:	/ None
Wind Direction:	40°	Turbulence Severity Forecast/Actual:	/ N/A
Altimeter Setting:	30.12 inches Hg	Temperature/Dew Point:	27°C / -3°C
Precipitation and Obscuration:	No Obscuration; No Precipitation		
Departure Point:	Las Cruces, NM (LRU)	Type of Flight Plan Filed:	None
Destination:	Las Cruces, NM (LRU)	Type of Clearance:	None
Departure Time:	09:14 Local	Type of Airspace:	Class G

Airport Information

Airport:	LAS CRUCES INTL LRU	Runway Surface Type:	Asphalt
Airport Elevation:	4456 ft msl	Runway Surface Condition:	Dry
Runway Used:	08	IFR Approach:	None
Runway Length/Width:	6069 ft / 100 ft	VFR Approach/Landing:	None

Wreckage and Impact Information

Crew Injuries:	1 Minor	Aircraft Damage:	Substantial
Passenger Injuries:		Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	1 Minor	Latitude, Longitude:	32.289443, -106.921943(est)

Administrative Information

Investigator In Charge (IIC):	Hicks, Michael
Additional Participating Persons:	Ray Romero; FAA; Albuquerque, NM
Original Publish Date:	October 24, 2018
Note:	This accident report documents the factual circumstances of this accident as described to the NTSB.
Investigation Docket:	https://data.nts.gov/Docket?ProjectID=97210

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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](#).