



# Aviation Investigation Final Report

<b>Location:</b>	Charlotte Amalie, Caribbean Sea	<b>Accident Number:</b>	ERA23LA257
<b>Date &amp; Time:</b>	June 4, 2023, 14:50 Local	<b>Registration:</b>	N7037E
<b>Aircraft:</b>	Cessna 402	<b>Aircraft Damage:</b>	Minor
<b>Defining Event:</b>	Birdstrike	<b>Injuries:</b>	1 Serious, 1 Minor, 4 None
<b>Flight Conducted Under:</b>	Part 135: Air taxi & commuter - Scheduled		

## Analysis

The operator reported that while entering the traffic pattern for landing, the pilot saw a large bird and attempted to take evasive action, but the airplane and the bird collided. The bird entered the cabin through the right windscreen and struck two passengers. One passenger sustained serious injuries while the other passenger incurred minor injuries. The pilot declared an emergency and subsequently landed the airplane uneventfully. The operator reported that there were no preaccident mechanical malfunctions or failures of 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:

An in-flight collision with a bird while entering the traffic pattern.

## Findings

<b>Environmental issues</b>	Animal(s)/bird(s) - Effect on equipment
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## Factual Information

### History of Flight

Approach-VFR pattern downwind	Birdstrike (Defining event)
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### Pilot Information

Certificate:	Airline transport	Age:	45,Male
Airplane Rating(s):	Multi-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):	None	Toxicology Performed:	
Medical Certification:	Class 1 With waivers/limitations	Last FAA Medical Exam:	December 13, 2022
Occupational Pilot:	Yes	Last Flight Review or Equivalent:	February 5, 2023
Flight Time:	2129 hours (Total, all aircraft), 266 hours (Total, this make and model), 1682 hours (Pilot In Command, all aircraft), 170 hours (Last 90 days, all aircraft), 60 hours (Last 30 days, all aircraft), 4 hours (Last 24 hours, all aircraft)		

### Passenger Information

Certificate:	Age:
Airplane Rating(s):	Seat Occupied: Right
Other Aircraft Rating(s):	Restraint Used: Lap only
Instrument Rating(s):	Second Pilot Present: No
Instructor Rating(s):	Toxicology Performed:
Medical Certification:	Last FAA Medical Exam:
Occupational Pilot:	Last Flight Review or Equivalent:
Flight Time:	

## Passenger Information

Certificate:	Age:	Female
Airplane Rating(s):	Seat Occupied:	Right
Other Aircraft Rating(s):	Restraint Used:	Lap only
Instrument Rating(s):	Second Pilot Present:	No
Instructor Rating(s):	Toxicology Performed:	
Medical Certification:	Last FAA Medical Exam:	
Occupational Pilot:	Last Flight Review or Equivalent:	
Flight Time:		

## Passenger Information

Certificate:	Age:	
Airplane Rating(s):	Seat Occupied:	Unknown
Other Aircraft Rating(s):	Restraint Used:	Lap only
Instrument Rating(s):	Second Pilot Present:	No
Instructor Rating(s):	Toxicology Performed:	
Medical Certification:	Last FAA Medical Exam:	
Occupational Pilot:	Last Flight Review or Equivalent:	
Flight Time:		

## Passenger Information

Certificate:	Age:	
Airplane Rating(s):	Seat Occupied:	Left
Other Aircraft Rating(s):	Restraint Used:	Lap only
Instrument Rating(s):	Second Pilot Present:	No
Instructor Rating(s):	Toxicology Performed:	
Medical Certification:	Last FAA Medical Exam:	
Occupational Pilot:	Last Flight Review or Equivalent:	
Flight Time:		

## Passenger Information

<b>Certificate:</b>	<b>Age:</b>
<b>Airplane Rating(s):</b>	<b>Seat Occupied:</b> Unknown
<b>Other Aircraft Rating(s):</b>	<b>Restraint Used:</b> Lap only
<b>Instrument Rating(s):</b>	<b>Second Pilot Present:</b> No
<b>Instructor Rating(s):</b>	<b>Toxicology Performed:</b>
<b>Medical Certification:</b>	<b>Last FAA Medical Exam:</b>
<b>Occupational Pilot:</b>	<b>Last Flight Review or Equivalent:</b>
<b>Flight Time:</b>	

## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	Cessna	<b>Registration:</b>	N7037E
<b>Model/Series:</b>	402 C	<b>Aircraft Category:</b>	Airplane
<b>Year of Manufacture:</b>	1981	<b>Amateur Built:</b>	
<b>Airworthiness Certificate:</b>	Normal	<b>Serial Number:</b>	402C0471
<b>Landing Gear Type:</b>	Retractable - Tricycle	<b>Seats:</b>	10
<b>Date/Type of Last Inspection:</b>	May 17, 2023 AAIP	<b>Certified Max Gross Wt.:</b>	7210 lbs
<b>Time Since Last Inspection:</b>	51 Hrs	<b>Engines:</b>	2 Reciprocating
<b>Airframe Total Time:</b>	38473.2 Hrs at time of accident	<b>Engine Manufacturer:</b>	CONTINENTAL MOTOR
<b>ELT:</b>	C91A installed, not activated	<b>Engine Model/Series:</b>	TSIO520VB
<b>Registered Owner:</b>	HYANNIS AIR SERVICE INC	<b>Rated Power:</b>	325 Horsepower
<b>Operator:</b>	HYANNIS AIR SERVICE INC	<b>Operating Certificate(s) Held:</b>	Commuter air carrier (135), On-demand air taxi (135)
<b>Operator Does Business As:</b>	Cape Air	<b>Operator Designator Code:</b>	HYIA

## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	Visual (VMC)	<b>Condition of Light:</b>	Day
<b>Observation Facility, Elevation:</b>	TIST, 46 ft msl	<b>Distance from Accident Site:</b>	1 Nautical Miles
<b>Observation Time:</b>	14:53 Local	<b>Direction from Accident Site:</b>	305°
<b>Lowest Cloud Condition:</b>	Few / 2100 ft AGL	<b>Visibility</b>	10 miles
<b>Lowest Ceiling:</b>		<b>Visibility (RVR):</b>	
<b>Wind Speed/Gusts:</b>	10 knots /	<b>Turbulence Type Forecast/Actual:</b>	None / None
<b>Wind Direction:</b>	140°	<b>Turbulence Severity Forecast/Actual:</b>	N/A / N/A
<b>Altimeter Setting:</b>	29.91 inches Hg	<b>Temperature/Dew Point:</b>	31°C / 26°C
<b>Precipitation and Obscuration:</b>	No Obscuration; No Precipitation		
<b>Departure Point:</b>	Roadtown, OF (TUPJ)	<b>Type of Flight Plan Filed:</b>	None
<b>Destination:</b>	Charlotte Amalie, CB	<b>Type of Clearance:</b>	VFR
<b>Departure Time:</b>	14:40 Local	<b>Type of Airspace:</b>	Class C

## Airport Information

<b>Airport:</b>	Cyril E King Airport TIST	<b>Runway Surface Type:</b>	Asphalt
<b>Airport Elevation:</b>	23 ft msl	<b>Runway Surface Condition:</b>	Dry
<b>Runway Used:</b>	10	<b>IFR Approach:</b>	None
<b>Runway Length/Width:</b>	7000 ft / 150 ft	<b>VFR Approach/Landing:</b>	None

## Wreckage and Impact Information

<b>Crew Injuries:</b>	1 None	<b>Aircraft Damage:</b>	Minor
<b>Passenger Injuries:</b>	1 Serious, 1 Minor, 3 None	<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>	N/A	<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	1 Serious, 1 Minor, 4 None	<b>Latitude, Longitude:</b>	17.694145,-64.801191(est)

## Administrative Information

Investigator In Charge (IIC):	Young, Joshua
Additional Participating Persons:	John Callahan; FAA/FSDO; Boston, MA
Original Publish Date:	July 7, 2023
Last Revision Date:	
Investigation Class:	<a href="#">Class 4</a>
Note:	The NTSB did not travel to the scene of this accident.
Investigation Docket:	<a href="https://data.nts.gov/Docket?ProjectID=192322">https://data.nts.gov/Docket?ProjectID=192322</a>

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable causes of the accidents and events we investigate, and issue safety recommendations aimed at preventing future occurrences. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for each accident or event we investigate. We also serve as the appellate authority for enforcement actions involving aviation and mariner certificates issued by the Federal Aviation Administration (FAA) and US Coast Guard, and we adjudicate appeals of civil penalty actions taken by the FAA.

The NTSB does not assign fault or blame for an accident or incident; rather, as specified by NTSB regulation, “accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties ... and are not conducted for the purpose of determining the rights or liabilities of any person” (Title 49 *Code of Federal Regulations* section 831.4). Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by investigating accidents and incidents and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report (Title 49 *United States Code* section 1154(b)). A factual report that may be admissible under 49 *United States Code* section 1154(b) is available [here](#).