

7. After the flight reached the Dry Gulch area, it was no longer possible for the aircraft either to climb over the terrain ahead, or to execute a course reversal.
8. None of the participants in this flight, the owner of the aircraft, lessee, or the company providing the crew and other services acknowledged that they were the operator and accepted responsibility for the safety of such flight.

(b) Probable Cause

The Board determines that the probable cause of this accident was the intentional operation of the aircraft over a mountain valley route at an altitude from which the aircraft could neither climb over the obstructing terrain ahead, nor execute a successful course reversal. Significant factors were the overloaded condition of the aircraft, the virtual absence of flight planning for the chosen route of flight from Denver to Logan, a lack of understanding on the part of the crew of the performance capabilities and limitations of the aircraft, and the lack of operational management to monitor and appropriately control the actions of the flightcrew.

3. RECOMMENDATIONS

The testimony given during the public hearing held in connection with this accident indicated a widespread misunderstanding by educational institution and business concern personnel of the problems and regulations involved in the operation of large aircraft, or the responsibilities of lessees of an aircraft. Accordingly, on November 9, 1970, the Board issued a Safety Information release recommending that potential users of large aircraft on a short-term charter basis, question providers of such services as to the type of operations for which they have been certificated. Should there be any doubt as to the proper certification, such users should consult the nearest FAA office for advice. A copy of this release is included in this report as Appendix F.

As noted in this release the Safety Board is aware of the investigation into all charter operations as ordered by Secretary of Transportation Volpe. The Board is in accord with the need for such an investigation, and is hopeful that the results will establish safe practices in all charter or leasing activities.

Concerning the suggested regulatory changes contained in FAA's Notice of Proposed Rule Making 70-41, the Board is in complete agreement with the conclusion in the notice that there is a need for regulatory action in that area. Accordingly, the Safety Board has forwarded comments on the proposal to FAA Administrator Shaffer. These comments are contained in Appendix J to this report.

BY THE NATIONAL TRANSPORTATION SAFETY BOARD:

/s/ JOHN H. REED  
Chairman

/s/ OSCAR M. LAUREL  
Member

/s/ FRANCIS H. McADAMS  
Member

/s/ LOUIS M. THAYER  
Member

/s/ ISABEL A. BURGESS  
Member

December 24, 1970